THE AMERICAN NATION
A HISTORY

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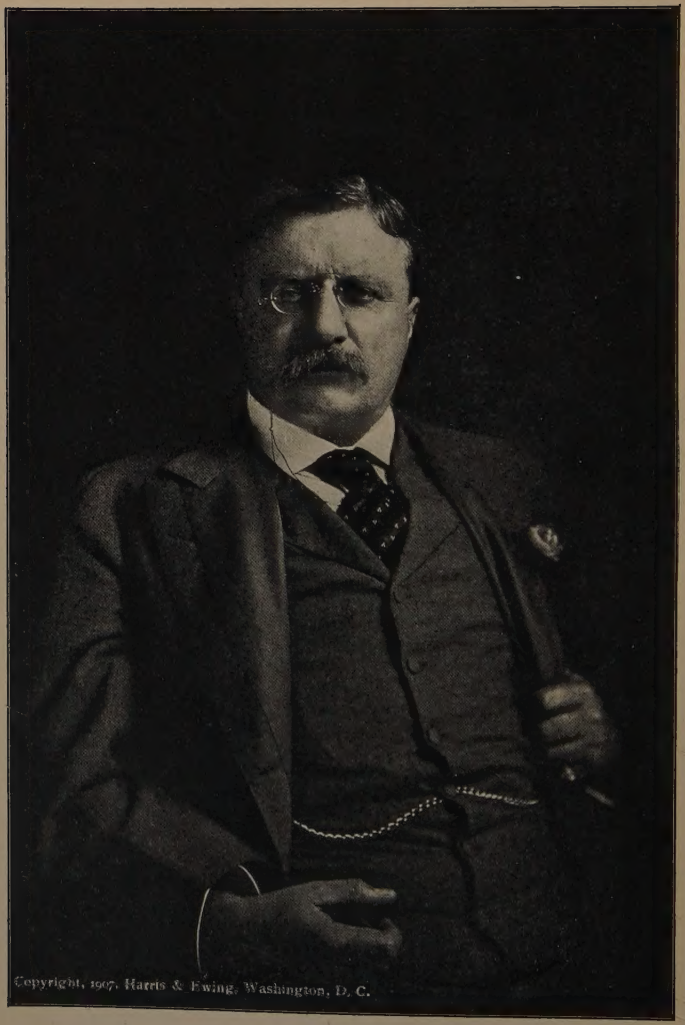

THEODORE ROOSEVELT

THE AMERICAN NATION: A HISTORY

VOLUME 26

NATIONAL IDEALS HISTORICALLY TRACED

1607–1907

BY

ALBERT BUSHNELL HART, LL.D.

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WITH MAPS

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AUTHOR'S PREFACE

THE previous volumes of this series have aimed to describe the development of the United States from the deep-lying roots in European civilization up through the mighty trunk to the topmost branches. Hence none of the writers have confined themselves to events: they have dealt with the great men who have been exponents of the thoughts and aims of their fellows; they have taken account of the customs, the moral standards, and the political conceptions which underlie both events and men; they have tried to accomplish the double task of setting forth the chronological development of history and at the same time describing the life of the people from epoch to epoch; to do for history what the higher mathematician does when he solves his functions of many variables.

This conception of history as including conditions and standards requires a constructive mind to see connection, causation, and development; to apply the standards of each age to its own problems; to compare the achievements of one race and one century with those of another. Every writer, therefore, has set himself to discover the meaning of his period;

each has been making a link in a chain which stretches from beginning to end of national existence and is in tension throughout. Each has consciously or unconsciously learned from Charles Darwin, who is the great historical master of our age in that he has taught us how, in the world of mind as in the material universe, there is steady progression from one condition to another; for human institutions also follow a law of natural selection, by the survival of those which are best adapted to their surroundings. The reader of the continuous narrative volumes of this series should therefore perceive, if authors and editor have properly done their work, that the United States of to-day is not a miracle but a steady and measurable growth, still enlarging, still to put forth new branches for the world's advantage.

Nevertheless, each volume stands for itself; each writer begins, proceeds, and ends, without attempting to discuss the greatest question for the historical searcher—namely, what is the meaning of the history of the American nation as a whole? In a co-operative work the only person who has the opportunity to make such a summary is the editor. This final volume is, therefore, a restatement of the achievements and ideals of the American people, illustrated from by-gone events which show the meaning and extent of national progression. Instead of casting these reflections in the same-time succession as that of the single volumes, I have made a reclassifica-

tion according to subject, separating out first the different factors of geographic environment (chapters i., ii.); then of race and social conditions (chapters iii.–vi.); then studying the organization and results of the various forms of American government (chapters vii.–xi.); then taking up some of the social and economic activities of the American race (chapters xii.–xvi.); reviewing the relations with other nations (chapters xvii., xviii.); and ending with the question of the future of American democracy (chapter xix). The bibliography and foot-notes have been verified by Mr. David Maydole Matteson and Mr. Thomas N. Hoover.

If the main object of historical investigation is to know whither we are tending, if like that ancient literary society, the Phi Beta Kappa, the American nation seeks to make "Wisdom the Guide of Life," then the capstone, the key, the goal of a history of the United States must be the effect of the past on the present national forces and powers. Many analyses of American character and institutions have recently been put forth, of which by far the most searching is Bryce's *American Commonwealth.* To rival that luminous and masterly work would be impossible. I have in this book undertaken the different task of measuring the American nation of to-day by its own progress as recorded in history; to show not alone what exists but what it has sprung out of, how it is conditioned by the national experience. In a word, this volume aims to prove that

we are own brothers to our great-grandfathers; it sets forth the conviction that the immensely powerful nation which the Americans have builded is not an accident, but a sequence from causes, aspirations, and results to which all our American forebears have contributed. To understand the course which we now steer we must rechart the beginnings and the progress of the voyage.

ALBERT BUSHNELL HART.

NATIONAL IDEALS HISTORICALLY TRACED

CHAPTER I

CONQUEST OF NATURE

IF the men of Mars three centuries ago were directing telescopic vision upon the earth, they saw in the western hemisphere a broad and majestic continent sphering out between the two northern oceans. On the eastern side, the continental line stood sharply marked; then the eye, roving westward, saw a narrow plain, a sharp ascent to the summits of the Appalachians, and a long and easy sweep downward and then upward across that Valley of the Mississippi which has been called "the most magnificent dwelling-place prepared by God for man's abode." Between the summits of the Rockies and of the Sierras hung an elevated plateau; westward fell away a steep descent and another swell, before reaching the Pacific coast.

Thus across the central portion of North America

is spread a land lying almost wholly within that temperate zone of hot summers and bracing winters, within which has been concentrated throughout the world most of the vigorous life of the human race; and upon which flourish a variety of plants and animals, ranging from the fauna and flora of a high northern plateau to the semi-tropical products of the moist lowlands of the Gulf coast. It is a region prolific not only of vegetation but of storms, in which the tornado and the flood help to undo the vegetation-making work of the copious summer rains. The eastern half of this belt is in part underlaid with a bowlder-strewn glaciated area, well suited to wheat growing; farther west lie the prairies with their priceless thick alluvial soil. As far almost as the Rocky Mountains, the whole continent is unusually well watered, abounding in springs, in streams, and in rivers which are not so deep down as to interfere with easy movement or to cut off neighboring farmers from one another; beyond the Rockies the rainfall is scantier, irregular, and in some places almost wanting; so that a considerable part of the soil is barren rock or sand. As a whole, America is a rich and abundant country.[1]

To the Martian eye the western half of the continent must have looked brown and sterile; but the eastern was covered with an unvarying tint of green, for forests extended from the Atlantic far beyond the Mississippi, except in the prairie region west of the

[1] Shaler, *United States*, I., 15–26.

Great Lakes. To the earliest European explorers these endless and tangled woods suggested wealth; the Virginia Company exported "clapboards," and the sea-coast abounded in the best ship-timber and magnificent straight pine for masts. In the scanty clearings grew many plants strange to the European—tobacco, which within a century found itself comfortably domesticated in Turkey and in Araby the Blest; farther south, cinchona, the conquering foe of fever; above all, three indigenous food-plants —Indian-corn, the tomato, and the potato, which last, though not used by the Indians, soon became a great staple in Europe. In addition, the climate was such that European plants and grains of every kind grew readily.[1]

Apart from these products of the soil, America at first offered few things that the European wanted. Of the native wild animals, the turkey was the only one that became domesticated. The sole commodity obtainable from the coast Indians was furs and skins, especially of the beaver and the deer; for the buffalo were far inland. The fisheries, inshore and deep-sea, were the principal source of early profit, and paid the debts of the Plymouth Pilgrims. As for minerals, ledges of which stood out from the mountains all over the land, the Indian had found only the native copper of Lake Superior, which he fashioned into edgeless toys; of the abundant gold and silver in the New World, none was known in

[1] Shaler, *United States*, I., 26–28.

colonial times north of Mexico; and salt was the only mineral which the natives collected.

Yet the land was full of opportunities and potentialities for a civilized race. The Dutch and English windmills turned easily; water-powers abounded, to grind the settlers' corn for home use and later for export; an enormous coal supply lay ready to furnish heat, light, and power to a busy nation.[1] As for transportation, the mountains were passable for the footman and for the pack-animals which the Europeans soon introduced. A net-work of lakes and rivers covered the whole northern part of the continent, concentrating into the broad currents of the St. Lawrence and Mississippi. Upon the eastern seaboard lay easily approachable harbors, landlocked and safe; while on what became the New England coast the sinuosities of the shore gave three thousand miles of open water-front in three hundred miles of extent, an invitation to settlers. The whole land was remarkable in its facility of access and its promises of wealth.

If the Martian lives four centuries, the same eye which saw America a trackless wilderness inhabited by wild animals and wild men may be amazed to note the change in the outward aspect of nature, brought about by the presence of civilized communities. In a century and a half from their coming the English colonists settled only a tenth of the middle part of North America; in the century from 1760 to

[1] Shaler, *Nature and Man*, 230.

1860, about half of it; and in the last fifty years the remaining half of the continent.[1] Nor was the task easy and off-hand, for first of all the forests had to be cleared at the cost of a prodigious amount of human labor. While in the Northeast the farmers fought an age-long battle with the legacy of the last North American ice-sheet, how many a settler has perished by falling into the pit which he digged to receive some obstinate bowlder which offended the smoothness of his meadow! Forest fires, chiefly set by campers, Indian or white, have aided in this work; but, with the traditional lack of discretion of subjected djinns, they have often consumed the soil as well as the trees. For many years timber was a nuisance to be got rid of; afterwards the remaining forests became a valuable by-product to the farmer and a source of wealth to the lumberman in the wilderness. In our day, when the marketable timber has nearly all been cut, except in some recesses of the mountains, the community begins to demand reforesting of large areas, in the belief, perhaps unfounded, that the cutting of the timber causes floods and wholesale waste of soils.

With the timber has gone most of the game, which was long a convenient supply of food to the settler and now affords toilsome amusement to the hunter; yet wherever an elk could live a cow can be raised, wherever the buffalo ranged "beef critters" grow fat; so that large animals are many times

[1] Shaler, *United States*, I., 47.

more numerous than they were in the pristine days.

Though large areas of virgin land still exist in the once forested region, many tracts have already been exhausted of their fertility. On the prairies, however, you may ride a whole day on a swift train through a solid checker-board of green squares of corn and grain, smiling to heaven; there the buffalo-grass has given place to the cotton and tobacco plant, the peach-tree, and the beet-field. To enlarge the expanse of arable soil, great sums are now spending for works of canal and reservoir, such as would delight the ancient Mesopotamian; and though not a fiftieth of the arid lands in the West can by any possibility be reached with the water which would fructify them, nevertheless homes for millions are still to be made by the intensive farming of irrigated lands. Farther east, man has also changed the face of nature by altering and confining the courses of great navigable streams like the Mississippi, and by impounding water for power-plants and for cities. Against these artificial lakes may be set the drained ponds and swamps which have been added to the firm land. Yet in a country blessed with a copious rainfall, cities and towns begin to squabble over the ownership of water-sheds; while in the West, states like Kansas and Colorado lock horns over the question, Which is entitled to take out water for irrigation from rivers flowing from one into the other?

If the farmer has somewhat changed the face of nature, so has the miner, whose workings may be traced by the accumulations of colonial charcoal-furnace slag in Massachusetts and in New York, by the black culm-banks in Pennsylvania, by the pit-holes scarring the mountains of Colorado, by the desolation of the smelters at Butte, and by the petroleum derricks scattered through a dozen different states.

Perhaps the Martian is curious to understand certain patches which have appeared upon the American continent, most of them within the last half-century: for many square miles are occupied by agglomerations of brick and mortar. Between Maine and Maryland along the Atlantic coast there is almost a continuous city, and a like urban population stretches from the upper Hudson River westward to the Mississippi; yet in the midst of these thickly populated areas, man has left untenanted such islands of the original forest as northern Maine, the White and Green mountains, and the Adirondacks; and between the comparatively dense population of the Atlantic lowlands and the lower Mississippi Valley stretches a scantily peopled mountain belt more than a thousand miles long.

The conquest of nature has not proceeded evenly in time, any more than in territorial distribution; as the years have gone by the settler has developed new methods of dealing with nature. To the indigenous and imported crops of early colonial days—

wheat, rye, barley, oats, corn—have been added many new or neglected plants and tubers, such as rice, cotton, important only within the last hundred years; sugar, first shown to be a commercial possibility in Louisiana in 1794; potatoes, a common crop only after 1750; while alfalfa brought from Asia, and the sugar-beet from Europe, are only now coming into wide use. Northern farmers always made cheese and butter for themselves and for a local market; but within the last twenty-five years creameries have sprung up which collect the milk and do the work in a labor-saving and scientific fashion; while the introduction of the silo has aided the dairyman, and the wide use of fertilizers not only rejuvenates old land, but makes profitable many new farms. Agricultural machinery also relieves the farmer from much of the drudgery and expense of former days, and makes his calling more exact. In these important processes nothing has been more effective than the agricultural colleges of the western states, through which foreign seeds are introduced and the native kinds improved; and which teach a proper rotation of crops and variety of farming.

The opening up of the country to tillage has been greatly assisted by a land system which, though not original with the Americans, has been pushed far by them. From the beginning it has been the policy of the English in America to consider themselves the proprietors of the whole body of land, leaving to the Indians only a right of occupancy. This automatic

method of getting possession of land goes parallel with an absolute determination not to hold a public domain; from the very beginning, the English by grant or sale aimed to put the lands into the hands of those who would settle them; and by an easy process of subdivision down to the actual holder it has always been easy for the would-be farmer to acquire the necessary land.[1] This process is likely to extend to the waste lands, especially the swamps and bogs which abound throughout the eastern states, and a great part of which can be made available for human occupancy.[2]

Many years ago an observer noted that "In Europe people talk a great deal of the wilds of America, but the Americans themselves never think about them; they are insensible to the wonders of inanimate nature, and they may be said not to perceive the mighty forests which surround them till they fall beneath the hatchet."[3] Our ancestors were, indeed, amazed by the Natural Bridge; and it was not an American who said, "No, I never have seen Niagara Falls; but once at a fair in Peebles I saw a peacock wi' a wudden leg." The natural country is, indeed, beautiful from end to end—the sea, the tidal rivers, the heavy-forested Appalachians, the Great Lakes, the rolling prairies, the deserts, the snow mountains, the cañons, and the golden sands of

[1] Hart, *Practical Essays*, chap. x.
[2] Shaler, *Nature and Man*, 227.
[3] Tocqueville, *Democracy in America* (Spencer ed.), II., 78.

California; but America is gashed and scarred from end to end by the hand of materialistic man. Outside of New England and the Rocky Mountains, most of the roads are barren, ill-surfaced, steep, and uncared for; hardly a railroad in the United States has ever followed the obvious practice of laying the cuts and fills to a slope on which comely grass will cover the naked earth. Our cities are likewise full of ragged earth slopes, while upon the Palisades and the Rocky Mountain gorges the advertiser of bitters lays his impious brush. Not a Turkish or a Chinese city is more frankly ugly than many of the towns and cities of wealthy America. The prairie county seat, the decaying mining-camp, the cattle station on a southwestern railroad, and the cotton forwarding town in South Carolina are alike unkempt, dusty, comfortless, and forbidding. Of late, American cities, great and small, spend energy and money in parks and water-fronts; and perhaps sometime will be as trim and outwardly as clean as the English, German, and Swiss places of similar size and far less wealth.

Nevertheless, the American has arrived at some fixed ideals with regard to nature. First of all, he loves a "big thing"—the newspaper of largest circulation, the beverage that pays most for advertising; he views Lake Superior, because it is the largest fresh-water lake on earth; ascends Blanca Peak, because it is the highest in the Rockies; embarks on

the *Lusitania*, because it is positively the biggest ship ever made by man. The Great Lakes, the broad prairies, the illimitable plains, the range after range of western mountains, the giant breakers beating on the Pacific coast please him and satisfy him, because they are large. And they all react upon his ideals of life: they help to make his conceptions broad and big, to arouse in his mind a sense of the possibilities of his country.

Furthermore, the American finds his account in the big things that nature has provided, for all his wealth comes directly or remotely from the bosom of mother earth. Since the earliest opening up of the country, eager spirits have found speculation in wild land attractive, perhaps because of the gambler's chance of loss. Mineral wealth is especially elusive and uncertain—even the successful speculator too often following the example of the English nobleman, who, as he was showing his estate to a friend, remarked, "I took thirty thousand pounds in silver out of that hole"; and added, as they went on to another abandoned mine, "I put my thirty thousand pounds into that hole."

The original American camped out because he could not find a settler's house, and killed bear because he could get no mutton; but ever since the Civil War, which indoctrinated hundreds of thousands of men with the delights of open-air life, the American has sought nature for his pleasure. Perhaps a hundred thousand families spend from a sixth to a

half of every year at country places or resorts; and we are reaching the point where "private owners" fence up the beaches and placard the mountains with "No trespassing"; while hunting and fishing have become sports in which, for the right to tire themselves out, men will pay large fees and add laborious days. Yet the interest of Americans in nature is not all or chiefly materialistic. Thousands seek it for scientific reasons—botanizing, geologizing, or examining mines; the photographer looks for his favorite wild beast or picturesque cliff; more and more Americans have an interest in the processes of nature, which can be satisfied only by going into the wilderness.

A genuine interest in scenery also appears. A century ago tourists began to visit the waterfalls and the few and rather unimpressive gorges of the eastern states; in the western half of the country there is a wealth of majestic and world-celebrated scenery; yet it was not till 1851 that the Yosemite Valley was visited by whites; not till 1869 that Powell descended the Colorado River and explored that wondrous cañon; and in the next year the Yellowstone, with its geysers and gorge, was at last made known to civilization. The proof that Americans appreciate their own scenery is the effort of the railroads to open up these wonders to the tourist: the Cañon of the Colorado can be reached by rail at Bright Angel; the "Moffatt Railroad" plunges from Denver westward into the heart of the Rockies; you can run aground on an Alaskan snow-bank if you like.

If the few permanent glaciers within the United States are too small for active mountain climbing, over the border in the Canadian Rockies the English expert and his Swiss guide tangle themselves up in perils as though they were in Europe. Nature everywhere stands ready to meet more than half-way those who come to worship in her majestic shrines.

Above all, the American throughout his history has dealt with nature, as he has dealt with government, in a spirit of rejoicing in his conquest over difficulties. The woodsman is not only making a home, he is clearing away an obstacle. The engineer is preparing to run his trains, but he is also laying out his track where nature has forbidden the foot of man to tread. The mine proprietor sinks his shaft to lower and lower levels, partly in the hope of a bonanza, but quite as much because he will not be overwhelmed by a spring of hot water. There is a sense of triumph, of overcoming the Minotaur, in the American's dealing with nature. Well did the Frenchman say of them: "The American people views its own march across these wilds — drying swamps, turning the course of rivers, peopling solitudes, and subduing nature. This magnificent image of themselves does not meet the gaze of the Americans at intervals only; it may be said to haunt everyone of them in his least as well as in his most important actions, and to be always flitting before his mind." [1]

[1] Tocqueville, *Democracy in America* (Spencer ed.), II., 78.

CHAPTER II

TERRITORIAL CONCEPTS

THE settlers' task of conquering the wilderness might have been simpler had they not spent so much energy in conquering one another; for side by side with the advance of the frontier goes a process of territorial rivalry of which the end is not yet. Along with a contest with the aborigines for the face of the country went a nominal subdivision of the continent among the occupying European powers, a process made more difficult by the slow development of knowledge about the interior: as late as 1660 people thought that the upper Mississippi emptied into the Gulf of California.

At the very beginning came an effort to settle the prime problem of European title by religious authority. Three papal bulls of 1493 attempted to draw a meridian through the middle of the Atlantic Ocean, west of which Spain should have the whole occupancy of newly discovered lands, and, east of it, Portugal.[1]

Spain was first to see the New World, first to coast

[1] Bourne, *Spain in America* (*Am. Nation*, III.), 31; Hart, *Contemporaries*, I., 40.

the continents, first to explore the interior, first to conquer tribes of the natives, and first to set up organized colonies. Except in Brazil, which was east of the demarcation line, for a century after discovery Spain was the only American power. A war for the mastery of North America between the Anglo-Saxon and the Spaniard continued for more than two centuries. After the defeat of the Spanish Armada by the English, in 1588, it became possible to break in upon the monopoly of American territory; as soon as the war with Spain was over, England gave the first charter, which resulted in the founding of a lasting English colony in America—the Virginia grant of 1606.

The claim of Spain would have been more effective had it not included the whole continent of North America, hardly an eighth of which was occupied by Spanish colonies. International law as to the occupation of new countries was in a formative state: everybody admitted that you might seize the territory of pagans, but how did you know when you had seized it? Was the state of which an accredited vessel first followed a coast thereby possessed of all the back country draining into that coast? Did actual exploration of the interior create presumptive title to the surrounding region? Was a trading-post proof that occupation was meant to be permanent? Did actual colonies of settlers, who expected to spend their lives there, make a complete evidence of rightful title?

These various sorts of claims were singularly tangled and contorted in America. Who had the best title to the Chesapeake—the English, who believed Sebastian Cabot had followed that part of the coast in 1498, or the French, whose commander Verrazzano undoubtedly was there in 1524, or the Spaniards, for whom De Ayllon made a voyage in 1526? Spanish explorers had crossed and followed the Mississippi River, but it is doubtful whether in 1600 they could easily have found its mouth. The French, in like manner, had explored the St. Lawrence, but without permanent results. Therefore, the territorial history of the United States may be said to begin with the almost simultaneous planting of settlements in the New World by France, England, and Holland, between 1600 and 1615. The French happened first on the St. Lawrence, which was the gateway into the interior, with its valuable fur-trade; and they set up their first permanent establishment at Quebec in 1608. The English, after thirty years of attempts on the Virginia coast, finally planted the colony of Jamestown in 1607. The Dutch rediscovered the Hudson River in 1609, and founded New Amsterdam in 1614. The next great river south, the Delaware, was occupied by the Swedes in 1638. It is one of the misfortunes of civilization that Germany, then the richest and most intellectual nation in Europe, and well suited for taking a share in the development of the New World, was in this critical epoch absorbed in the fearful Thirty Years' War, which in 1648 left

the country ruined and helpless, so that no attempt could be made to link the destinies of Germany with those of America.

Soon began seizures of undoubted Spanish territory: the English first picked up various small islands in the West Indies, in 1655 wrested away the Spanish island of Jamaica, and thereupon made a little settlement on the coast of Honduras. The next step was a determined onset against the nearer neighbors in North America. Quebec was taken and held from 1629 to 1632; the Dutch, who had absorbed the Swedish colonies, were dispossessed in 1664;[1] and the English proceeded to contest Hudson Bay with the French. These conflicts marked a deliberate intention to seize points of vantage like Belize and Jamaica, and to uproot the colonies of other European powers in North America; it was part of a process of English expansion which was going on also on the opposite side of the globe.

As the eighteenth century began, France, England, and Spain were still in antagonism for the possession of North America; and the French, in 1699, succeeded in planting a colony on the Gulf in the side of the Spanish colonial empire. These international rivalries were soon altered by the struggle of England against the attempt of Louis XIV. to bring about the practical consolidation of Spain and France, which would have made an immense Latin colonial empire. To some degree on religious grounds,

[1] Andrews, *Colonial Self-Government* (*Am. Nation*, V.), chap. v.

partly to protect their commerce, and partly from inscrutable international jealousies, the nations of Europe were plunged into a series of five land and naval wars between 1689 and 1783, in each of which North American territory was attacked, and in several of which great changes were made in the map.

In these wars the colonies formed an ideal as to the duty of a mother country to protect daughter colonies, and aided in developing a policy which has been described by one of the most brilliant of modern writers as that of "sea power."[1] The illustration of that theory was a succession of fleet engagements in the West Indies, always followed by a picking up of enemy's islands; and also the repeated efforts of the colonists in separate or joint expeditions to conquer the neighboring French or Spanish territory. The final result was the destruction of the French-American power and the serious weakening of the Spanish.

In 1732 the charter of Georgia was a denial of the Spanish claims to Florida. By the treaty of 1763 France was pressed altogether out of the continent, yielding up to England that splendid region of the eastern part of the Mississippi Valley which the English coveted, and with it the St. Lawrence Valley. For the first time since the capture of Jamaica, a considerable area of Spanish territory was transferred to England by the cession of the Floridas.

[1] Mahan, *Influence of Sea Power upon History*, chaps. iv.–viii.

Louisiana to the west of the Mississippi, together with New Orleans, on the east bank, were allowed to pass to Spain. From that time to the Revolution the only two North American powers were England and Spain, who substantially divided the continent between them by the line of the Mississippi River.[1]

During this period the English were not only acquiring but were parcelling out their new territory. It was always a serious question how far west the coast colonies extended; some of them — Massachusetts, Connecticut, Virginia, the Carolinas—had bounds nominally reaching to the Pacific Ocean. To silence this controversy, in 1763 a royal proclamation directed that the colonial governors should not exercise jurisdiction west of the heads of the rivers flowing into the Atlantic, leaving in a kind of territorial limbo the region between the summit of the Appalachians and the Mississippi.[2] These numerous territorial grants gave rise to many internal controversies; but by the time of the Revolution most of the lines starting at the sea-coast and leading inward had been adjusted.

The idea of territorial solidarity among the English colonies was disturbed by the addition of Nova Scotia and Quebec on the north, and East and West Florida on the south. Intercolonial jealousy was heightened in 1774 by the Quebec act, under which

[1] Cf. Howard, *Preliminaries of the Revolution* (*Am. Nation*, VIII.), chap. i.

[2] *Ibid.*, 229.

the almost unpeopled region north of the Ohio River was added to the French-speaking province. When the Revolution broke out in 1775, that jealousy was reflected in the refusal of Quebec and Nova Scotia and the distant Floridas to join in it. Almost the first campaign of the war, however, showed the purpose of territorial enlargement, for in 1775 the Arnold-Montgomery expedition to Canada vainly attempted to persuade the Frenchmen by force to enter the union. Two years later George Rogers Clark lopped off the southern half of the British western country. The Southwest, into which settlers had begun to penetrate in 1769, was, during the Revolution, laid hold of by the adventurous frontiersman; and in 1782 the negotiators of Paris thought best to leave that, as well as the whole Northwest, in the hands of the new United States.[1]

The result of the Revolutionary War was the entrance into the American continent of a third territorial power, the United States, which was divided into two nearly equal portions: between the sea and the mountains lay the original thirteen states; between the mountains and the Mississippi was an area destined to be organized into separate states and immediately opened for settlement.[2] This destiny was solemnly announced by votes of Congress in 1780, and by the territorial ordinance of 1784,

[1] Cf. Hart, *Foundations of Am. Foreign Policy*, 18.

[2] McLaughlin, *Confederation and Constitution* (*Am. Nation*, X.), chaps. vii., viii.

the land ordinance of 1785, and the Northwest Ordinance of 1787, which, taken together, were virtually a charter for the western country, very similar in import to the old colonial charters.[1]

In this sketch of territorial development up to 1787 may be seen the elements of a national policy and a national system: the territories were practically colonies and inchoate states, soon to be admitted into the Union; while the expansion of the national boundary during the war was a presage of future conquest and enlargement; and, considering the military and naval strength of Great Britain, the only direction in which annexation was likely was the southwest. Although the Federal Constitution of 1787 acknowledged the difference between states and territories only in general terms, and made no provision for the annexation of territory, the spirit and the reasonable implication of that instrument was that the Union might be and probably would be enlarged; some writers at the time felt sure that Republican government was applicable to large areas.[2]

Hence it was neither unnatural nor unsuitable that the new nation should at once show a spirit of expansion: in 1795 and 1796 its boundaries were finally acknowledged by its southern and northern neighbors. Various wild schemes of invading Spanish territory were broached, but not till 1803 was the

[1] Texts in *Am. Hist. Leaflets*, No. 32.
[2] *Federalist* (Lodge ed.), No. 14.

question of the Mississippi fairly faced. Repeating the bold policy of Louis XIV., Napoleon attempted to combine the military and colonial forces of Spain with those of France, in order to make head against Great Britain. As a preliminary, in 1800 he practically compelled the cession of the former French province of Louisiana, and thereby revealed to the American people that it would be a menace to national prosperity to permit a powerful military nation to block the commercial outlet of the interior. Hence, when Napoleon changed his mind and offered the province to the United States in 1803, there was nothing for the envoys, the president, the Senate, the House, and the people to do but to accept it as a piece of manifest destiny. The boundaries of the Union were thus extended to the Gulf and to the distant Rocky Mountains.[1]

With a refinement of assurance the United States also claimed, and in 1814 forcibly occupied West Florida. In the same period began a purposeful movement for extending the territory of the United States to the Pacific. Taking advantage of the discovery of the mouth of the Columbia River by an American ship in 1792, President Jefferson sent out a transcontinental expedition, under Lewis and Clark, which reached the Pacific in 1805, and thereby forged a second link in the American claims to Oregon. By this time the Spanish empire was in the throes of colonial revolution, and in 1819 the

[1] Cf. Channing, *Jeffersonian System* (*Am. Nation*, XII.), chap. v.

Spanish government ceded East Florida and withdrew any claims to Oregon, Texas being left to Spain.

This is a stirring decade, and it completely changed the territorial status of the United States. By 1819 the Atlantic coast all belonged to the United States, from the St. Croix River around Florida to the Sabine; the country was reaching out towards Mexico, and was building a bridge of solid territory across the continent, where, as all the world knew, far to the south of Oregon lay the harbor of San Francisco, the best haven on the Pacific coast. The bold conceptions of Jefferson and John Quincy Adams and their compeers, included the commercial and political advantages of a Pacific front; and they were consciously preparing the way for the homes of unborn generations under the American flag.

One result of the new position of the United States was to bring out sharply a territorial rivalry with Great Britain. The War of 1812 had been an attempt to annex Canada, and after it was over a controversy as to the boundary between Maine and Nova Scotia kept the two countries harassed until its settlement in 1842.[1] After that the rivalry for Oregon, which had been held in joint occupation since 1818, was intensified. About 1832 immigration began in which the Americans outran the English; and it was fortunate for both countries that in 1846 the disputed territory was divided by a fair compromise line, the

[1] Garrison, *Westward Extension* (*Am. Nation*, XVII.), chap. v.

forty-ninth parallel.[1] A third territorial controversy was fought out within the limits of the Union itself, between the friends and opponents of the annexation of Texas, in 1845.[2] This was the first instance of an American colony planting itself within the acknowledged limits of another power, until it was strong enough to set up for itself as an independent state and to ask for admission to the Union.

The annexation of Texas inevitably led to a movement on California, which could be obtained only by aggressive war upon Mexico, and for connection with which the possession of New Mexico was also thought necessary. Ever since 1820 explorers had been opening up the region between the Mississippi and the Pacific,[3] and it was known that there were several practicable roads to that distant coast.[4] The annexation of California almost led the United States into a serious territorial adventure; for apparently nothing but the hasty treaty negotiated by Trist in 1848 stopped a movement for the annexation of the whole of Mexico.[5] The Gadsden Purchase of 1853 conveniently rounded out the cession of New Mexico and closed this second era of territorial expansion.

The annexation of Texas was logical, and delayed only by the accidental connection with slavery; but

[1] Garrison, *Westward Extension* (*Am. Nation*, XVII.), chap. xi.
[2] *Ibid.*, chap. vii.
[3] Turner, *New West* (*Am. Nation*, XIV.), 114–122.
[4] See chap. iii., below.
[5] Bourne, *Essays in Historical Criticism*, No. 9.

the annexation of Oregon and California added to the Union very distant possessions, the settlement of which must have been slow but for the discovery of gold in California in 1848. At once a new set of territorial questions arose: the necessity of reaching California across the plains led to the organization of Nebraska and Kansas territories in 1854, which convulsed the parties of the time; the movement across the Isthmus to California brought up the question of an interoceanic canal in a new light; the commercial footing on the Pacific led to a pressure which broke the shell of Japanese exclusion in 1854. Above all, these annexations brought before the nation two questions of constitutional law, which proved both difficult and disturbing: the issue of slavery in the territories, which precipitated, if it did not cause, the Civil War, and the eventual status of territories which, from their situation or their population, were not likely to become states.

The third era of national expansion began in 1867 with the purchase of Alaska,[1] which was wholly a personal plan of Secretary Seward, in which the nation took very little interest; nor was the public aroused by Seward's more important scheme for annexing the Danish West India Islands and a part of Santo Domingo; when the latter project was taken up in 1870 and pushed with unaccountable energy by President Grant,[2] popular sentiment showed itself

[1] Dunning, *Reconstruction* (*Am. Nation*, XXII.), chap. x.
[2] *Ibid.*

plainly averse to annexing a country with a population wholly negro and little in accord with the American spirit. For twenty-five years thereafter there was the same indisposition to annex territory that brought problems with it; and then the movement for the annexation of Hawaii was headed off by President Cleveland in 1893.[1] The Spanish War of 1898 swept all these barriers away, and left the United States in possession of the Philippine Islands, a distant archipelago containing seven and a half millions of Catholic Malays; of the island of Porto Rico, in the West Indies; of the Hawaiian group; of a responsible protectorate over Cuba; and, four years later, of the Panama strip, which may include the future Constantinople of the western world.

In the whole territorial history of the country, never has there been such a transition. The Philippines, which "Mr. Dooley" in 1898 thought might be canned goods, are now, according to the Supreme Court, in one sense "a part of the United States," yet not an organic part in financial or governmental or legal relations. The country, which from 1850 to 1902 divided with Great Britain the responsibility for a future Isthmian canal, is now "making the dirt fly" in a canal strip which is virtually Federal territory. China, which a few years ago was one of the remotest parts of the earth, now lies but a few hundred miles from American possessions. The romantic era of annexations has gone by: the automobile

[1] Dewey, *National Problems* (*Am. Nation*, XXIV.), chap. xviii.

trundles across the Great American Desert and stops for lunch at a railroad restaurant, and the South Sea Islands have lost their mystery since the trade-winds straighten out the American flag above some of those tiny land-spots.

Nevertheless, there are some fixed American ideals with regard to territory, the fruit of three centuries' experience. Land, which in foreign countries is the most conservative of institutions, throughout the Union is a subject of speculation: land values in the cities rise and sometimes melt away as by magic; wild lands are desired not only by the settler but by the railroad and the moneyed man, who see the likelihood of profit in holding them for a rise. Others seize on what they can, for the minerals that lie beneath. Outside the oldest communities land has no such sanctity as among the ancestors of the present Americans.

This principle is carried into international relations. In a sense, Louisiana was a splendid speculation, worth many times the fifteen millions that it cost; and with each successive addition of territory there has been the same desire for new opportunities of speculative investment. If the people of the United States had been certain that the Philippine Islands would every year take millions out of the Federal treasury without any considerable return in the development of trade, perhaps there would have been less anxiety to hold them; on the other hand,

there are occult commercial interests at work which hope to bring about the annexation of Cuba.

Expansion leads to and is connected with ideals of military and naval interests. Porto Rico, Hawaii, Guam are distinctly intended to be naval stations, which will protect the navy, which at the same time must be made larger in order to protect these protecting islands.

Up to the annexations of 1898–1899, the enlargement of the United States was a genuine colonization, spreading out in regions of little or no population, in which, therefore, the Anglo-Saxon had the opportunity to introduce his civilization *de novo*. This point of view does not fit the addition of territories like Porto Rico and the Philippines, in which there is already a civilization satisfied with itself, tenacious, and conservative, and which the Anglo-Saxons have not the slightest intention of occupying in superior numbers.[1] Whether for good or evil, the Americans have entered upon new problems of territorial relations for which the experience and ideals of the previous three centuries furnish little guidance.

[1] See chap. iii., below.

CHAPTER III

THE NEW-COMER

"IT is difficult to describe the rapacity with which the American rushes forward to secure the immense booty which fortune proffers to him. . . . Before him lies a boundless continent, and he urges onward as if time pressed, and he was afraid of finding no room for his exertions." [1] So wrote a keen observer seventy years ago of that continuously advancing frontier where wild land, inhabited by wild savages, was sought by half-wild settlers. Throughout American history has been thrust forth this protecting shield of the frontier, behind which orderly communities arrange themselves.

The early settlers were all immigrants from overseas, and it was half a century before native leaders began to come to the front. That immigration reflected all classes of English society: a few scions of the aristocracy, such as Sir Harry Vane in Massachusetts, and later Lord Fairfax in Virginia; a liberal number of the educated middle class, especially the ministers; a strong body of yeomen farmers, and of shopkeepers and artisans who became farmers; a

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 293.

class of hired servants, including many white men and women, indentured to serve a term of years. The proportions of these various classes were different in the various colonies; but there is no evidence to show that the gentry were more numerous in the South or the middle class in New England than was the case in other colonies.

Conditions of immigration were easy. The colonizing companies practised their arts upon both the adventurous and the industrious,[1] and often fitted out the ships and furnished the passages across the sea. The discomforts, the dangers, and the suffering of those early voyages, the small-pox, the scurvy, the ship-fever, all exacted their tribute; but between 1607 and 1660 perhaps eighty thousand persons were actually landed in the New World,[2] of whom from a third to a half succumbed within a few years to the hardships and diseases of frontier life, and especially to that mysterious malaria which was looked upon as a visitation of God instead of as the malice of the mosquito.

Practically all the seventeenth-century immigrants were settled within a day's journey of tide-water, a fringe upon the edge of the continent; but the climatic conditions were so different that from the one stock speedily sprang up two different colonial types: the southerners, living on detached planta-

[1] Hart, *Contemporaries*, I., chap. viii.

[2] Dexter, *Estimates of Colonial Population*, 49 (Am. Antiq. Soc. *Proceedings*, October, 1887).

tions in an out-door life, cultivating their one staple of tobacco and exchanging it direct with England through vessels owned by other people; and the Puritans, grouped in villages, endowed with a strong sense of community life and responsibility, at the same time farmers, fishermen, ship-builders, and sailors. "Methinks I see," said Tocqueville, "the destiny of America embodied in the first Puritan who landed on those shores, just as the human race was represented by the first man." [1] The middle colonies, as they came along, also developed both the village and the farm systems, with a variety of employment.

The eighteenth century was devoted to filling up the established colonies, adding only one colony, Georgia, while the French and Spanish extended till they joined frontiers between Louisiana and Texas. With the foundation of Pennsylvania in 1681 began the immigration of other than English races, a few of them French Huguenots, but mostly brother Teutons, Dutch in New York and on the Delaware, Germans and German-speaking Swiss at various places in the South, such as New Berne and Augusta.[2] To Pennsylvania, Germans were invited by advertising pamphlets in their own tongue, setting forth the advantages of "Quackerthal." A few Hebrews found their way to the cities, especially Newport, New York, and Philadelphia. Of the Celts, the earliest

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 290; cf. *ibid.*, 26–30.

[2] Shaler, *United States*, I., 68, 77–80.

were a few Catholic Irishmen, and a vigorous body of Welsh Quakers near Philadelphia. The Scotch, moved by national pride, in 1700 attempted to plant a colony at Darien, which, if properly supported by Great Britain as a whole, might have altered the history of Central America. The principal Celtic element was always the Protestant Scotch-Irish, who showed a natural liking for the frontier, and, together with adventurous Germans, were the first to settle on the streams flowing into the Mississippi. At once began a process of fusion of race, which, checked to some degree by religious divisions, has gone on steadily. Down to the Revolution, however, the colonial leaders were, with few exceptions, of the pure English stock.[1]

The immigrant or the immigrant's son was very likely to be an emigrant to the frontier, so that during the eighteenth century the greater part of southern and middle New England was filled up. New York pushed against the wild Adirondacks and the wilder Six Nations; Pennsylvania spread across the mountains, and after 1763 made lively settlements in and near Pittsburg. Farther south the settlers reached the Valley of Virginia, and thence went on southwestward. Along this line began the first emigration into the western wilderness; for Daniel Boone and men like him found a crossing from North Carolina to the head-waters of the Watauga River, where in 1772 was planted the Wa-

[1] Eliot, *Am. Contributions to Civilization*, 30–32.

tauga Association, the first genuine western community.[1]

Up to this point the path of the foreign immigrant was easy, for most of the colonies cordially received him; if he had means, he could readily find passage; if he had none, he could as "a redemptioner" transfer temporary possession of himself to a sea-captain, as did John Harrower in 1774, when, he says, "Being reduced to the last shilling I hade was obliged to engage to go to Virginia for four years as a school master for Bedd, Board, washing and five pounds during the whole time." [2] Such bondmen, if they were made of the proper stuff, soon became free citizens. Some of the early colonies refused to receive incomers whose religious beliefs did not suit them, or who might become public charges. With these exceptions the immigrant might go whither he liked, might wander from colony to colony, from coast to frontier; and if he acquired the necessary property might become a voter, and aspire to the highest elective dignities of town, county, or commonwealth. Never had the world offered such an opportunity to the man with nothing but his two arms, sound brains, and a stout heart.

About 1787 began a new emigration from place to place within the United States. By this time people realized that beyond the rough and unattractive

[1] Howard, *Preliminaries of the Revolution*, chap. xiii.; Van Tyne, *Am. Revolution*, chap. xv. (*Am. Nation*, VIII., IX.); Shaler, *United States*, I., 41, 279.

[2] *Am. Hist. Rev.*, VI., 72.

Appalachian mountain belt lay excellent farming lands, ready for the settler's axe. To bridge the difficulties, colonizing companies were formed, such as the Ohio Company, the Connecticut Land Company, and the Holland Land Company in western New York.[1] Through these companies large blocks of government and state lands were subdivided for settlers; and after 1800 Federal land offices were set up in the western country to deal directly with the new-comer. By all the routes then practicable a current of emigration poured into the West: through the Mohawk Valley, notwithstanding the dreaded swamp roads; by the better-travelled routes through southern Pennsylvania to Bedford and Pittsburg; following up the Potomac to Cumberland, crossing to the Youghiogheny, and thence down to the Ohio. Many southern people found their way over these last two routes and settled north of the Ohio River.[2] Still farther south, the Valley of Virginia led up to the easiest pass across the Appalachians, and thence into Tennessee; or by the so-called Wilderness Road, through Cumberland Gap into the heart of Kentucky. More difficult routes, by the Watauga and by Saluda Gap, crossed the Alleghanies and connected the Carolinas directly with Tennessee; while the far Southwest was easily reached by roads which skirted the southern highlands.

Over these roads flocked emigrants, on foot, with

[1] Thorpe, *Constitutional Hist. of Am. People*, I., 211–215.
[2] Turner, *New West* (*Am. Nation*, XIV.), 75–81.

pack-horses, then, as the trails were widened, with ox-wagons, then with the famous Conestoga wagon, a kind of ship on wheels. Sometimes whole communities emigrated at once, such as the people of Granville, Connecticut, who uprooted their name, their town-meeting, and their church, and presently appeared in Ohio with a new Granville town, town-meeting, and church.

In the Southeast emigration weakened the states; in the Northeast it was replaced by the natural growth of population and by the coming in of foreigners; while for the Union as a whole, interior emigration was the force destined to bind the East and West together. After the admission of Ohio, in 1802, there appeared as a distinct political force that region of which Bryce says, "The West may be called the most distinctly American part of America, because the points in which it differs from the East are the points in which America as a whole differs from Europe." [1] Here was the new laboratory of American democracy, here the national ideals were reframed and vitalized.

The development of the West left the East as a kind of middle pier for foreign immigration. From the cessation of the direct stream of English settlers to New England, about 1640, down to 1820, that section had little addition from outside, and was occupied by a pure strain of English descent. Bos-

[1] Bryce, *Am. Commonwealth* (ed. of 1901), II., 311; cf. Tocqueville, *Democracy in America* (Spencer ed.), I., 25, 291, 402.

ton, however, was the American port nearest to Europe, and divided with New York, Philadelphia, and Baltimore a tidal wave of immigration, which was raised even higher by the Irish famine of 1846–1847, the German Revolution of 1848, and the gold-seekers of 1849 and subsequent years. After the completion of the Erie Canal in 1825, and especially after the extension of railroads from the coast to Chicago in 1852, it became easy to distribute foreign emigrants into the interior; and the western states did their best to attract them, while the Federal government co-operated through the pre-emption act of 1841, reserving arable lands for actual settlers.

Pushed by unhappy conditions in Europe, and pulled by the welcome of the United States, literally millions of immigrants came into the United States: 8000 were recorded in 1824; 78,000 in 1844; 427,000 in 1854. The English and Scotch always formed a considerable part of this movement, and were easily absorbed among people of the same language, religion, and customs. The Irish, practically all peasants off the land, settled in large numbers in or near the cities where they landed. Many of the Germans, also for the most part farmers, kept at their usual employment and spread into the West. Several unsuccessful efforts were made to put enough Germans into a frontier territory, such as Wisconsin or Texas, to make it a Germanized state.[1] Some Scandinavians also found their way to the Northwest,

[1] Shaler, *United States*, I., 306–310.

where they settled in a climate not unlike that from which they came.

The immediate political result was a feeling of hostility between the old inhabitants and the incomers, which in the forties began to take the form of a "Native American movement." No part of the South had any interest in this movement; for the South, except Louisiana, Texas, and Missouri, had no immigrants. It blazed up in New York, New England, and the West, during the two years 1854–1856 became a national movement, and then died down again. Notwithstanding the large numbers of immigrants, they were still few in proportion to the total population: between 1820 and 1860 five million foreigners came into the country, of whom about three millions were alive in 1860; but that was less than a tenth of the total population.

As in the half-century previous, so after 1830 immigration was balanced by emigration and re-emigration from East to West, which was stimulated by the opening up of distant areas of settlement in Texas, Oregon, and California. A class of habitual emigrants took up new land; then, as population caught up with them, grew weary of the restraints of civilization, sold out, and plunged again into the wilderness. The growth of the nation, stimulated by immigration, opened up new wants and new careers, and called for new labor and new direction. The more people there were, the more there was for all of them to do.

As early as 1832 people began to move west, and from the Missouri River to the Pacific coast built up a route up the North Platte River, thence across an easy pass to Fort Hall, near Salt Lake, and northwestward to the Columbia River. After the discovery of gold in California the Santa Fé trail was developed around the Rocky Mountains southwestward, and so to California; and thousands of the Forty-niners passed from Salt Lake directly west, through a dangerous desert and over the difficult Sierras, while several routes were opened up across the narrow lands of Central America. No part of the Union was too remote or too difficult of approach for the settler; and the prairie-schooner, the western successor of the Conestoga wagon, became the carrocio of the victorious emigrant.

The Civil War at once cut down by three-fourths the movement of immigration, and checked the development of the West; but as soon as it was over the wanderings of the peoples increased to an unexampled degree. Between 1866 and 1870 1,650,000 foreigners arrived; and never had there been such a readiness of the native Americans to try new opportunities in the West, for that region had solved the question of markets. Through the extension and consolidation of the railroad lines, Minnesota and Iowa were brought in cost of transit nearer to New York than Rochester had been sixty years earlier. In 1869 the first transcontinental railroad was finished, followed soon by other lines to the Pacific. The

immigrant travel was now absorbed almost wholly by the Atlantic steam-liners; and the ease and cheapness of a journey to America was made known in every country of Europe. The result was a great expansion of immigration. In 1876 it was 160,000; in 1886, 392,000; in 1906, 1,100,000, of whom 880,000 landed in New York City. In the ten years from 1891 to 1900, nearly 4,000,000 people were recorded as immigrants. This total is subject to two corrections: it does not include immigrants from Canada and Mexico, who could hardly have been less than 120,000 a year; and it does not take account of the return of immigrants to the Old World, which in some years has amounted to almost 300,000.

Four million new Englishmen, with a due proportion of Scotchmen, Welshmen, and English Canadians, would cause little uneasiness; but this immigration includes races which, up to a few years ago, were never seen in America. In 1906 arrived only 67,000 from England, Scotland, and Wales, against 270,000 Italians, 215,000 Russians and Finns, 20,000 Greeks, 4000 Roumanians, 6000 Syrians, 216 East-Indians, and a few Arabs. These are elements much more difficult of assimilation than the English, Germans, Scandinavians, and Irish.

Among the smallest number of immigrants in 1906 were Chinese, 1544, and Japanese, 13,835; yet these returns point to that most difficult problem of immigration, the Asiatic. At first welcomed, the Chinese were checked by state statutes, and from 1882

by national legislation intended to keep them out.[1] Other classes have seen the entrance grow narrower: by statutes increasing in severity from 1882 to 1907, the national government has excluded convicts, idiots, lunatics, contract laborers, paupers, diseased persons, and anarchists. Under these restrictive acts several thousand would-be immigrants are yearly turned back and many more are deterred from starting. The spirit of restriction has risen high, especially among aliens already admitted into the United States, who see no need of enlarging the competition.[2]

The comparatively free immigration into the United States could not but affect American institutions and ideals. The first result has been the intermixing of a very large foreign-born element, in 1900 numbering 10,500,000 in all, besides 21,000,000 others, both of whose parents were born abroad, and 5,000,000 more, one of whose parents was born abroad. That is, out of 67,000,000 white people in the United States, 36,000,000, or more than half, cannot go back two generations without striking a foreigner. The largest contingent in this number is German and children of Germans, 12,500,000; Ireland follows with 6,500,000; the Scandinavian countries with 3,000,000; while Russia has at present only 1,000,000. Most of these people are keenly interested in

[1] Cf. Sparks, *National Development* (*Am. Nation*, XXIII.), chap. xiv.

[2] Cf. Godkin, *Problems*, 14, 19, 128.

American affairs, seek naturalization, and enter into political combinations,[1] though throughout the Union can be found clannish and sometimes ignorant foreign voting populations.

This interest of the immigrant in politics has many good sides. People like to characterize the immigrants as "ignorant masses," and to ascribe to them all the evils of American government, and especially municipal ills. They do frequently come into economic competition with groups of natives, and more often with other foreigners, with consequent confusion and bad blood; but the history of the United States shows that the cities were not well governed before the foreigners began to come; and that cities like Philadelphia, in which the number of foreigners is less than in some other communities, are not the best governed. It must never be forgotten that the cities contain great numbers of emigrants from other parts of America who are as little at home and often as little used to the responsibilities of city life as the foreigner. The immigrants have much to contribute, if nothing else a crude but willing labor, which the country in every stage of its existence has needed.[2]

The effect of the foreigner upon governmental ideas is not so easy to distinguish. The sudden coming of great numbers of people throws upon the state and city governments the physical task of

[1] Bryce, *Am. Commonwealth* (ed. of 1901), II., 35, 36.
[2] Cf. Godkin, *Problems*, 127.

housing them, protecting them, and educating their children, and providing for the added public expense; the foreigner pays taxes, but wherever he comes he adds a burden and puts a strain on the government. Does he make amends by that share in self-government which it has always been the American habit to invite? He readily becomes a citizen five years after arrival, and Tammany Judge Barnard, in the late sixties, himself naturalized over ten thousand men in sixteen days.[1] To suppose, however, that he is altogether ignorant, and incapable of understanding the American governmental system, or looks on government as simply a source of personal advantage is contradicted by the experience of a century. The immigrant is a natural democrat, who enjoys the thought of a share in his own government and is quickly influenced by the opinions and standards which he finds ready to hand. That he does not rise much above the level of the political standards of native Americans is not surprising, for with few exceptions the most corrupt and dangerous political bosses are of American extraction and English descent.

Nor has experience shown that the immigrant and his children after him remain at the bottom of the ladder: he is quite as likely to save money as the native American, and to feel a consequent interest in being spared unreasonable burdens of taxation. The real difficulty is that the immigrant

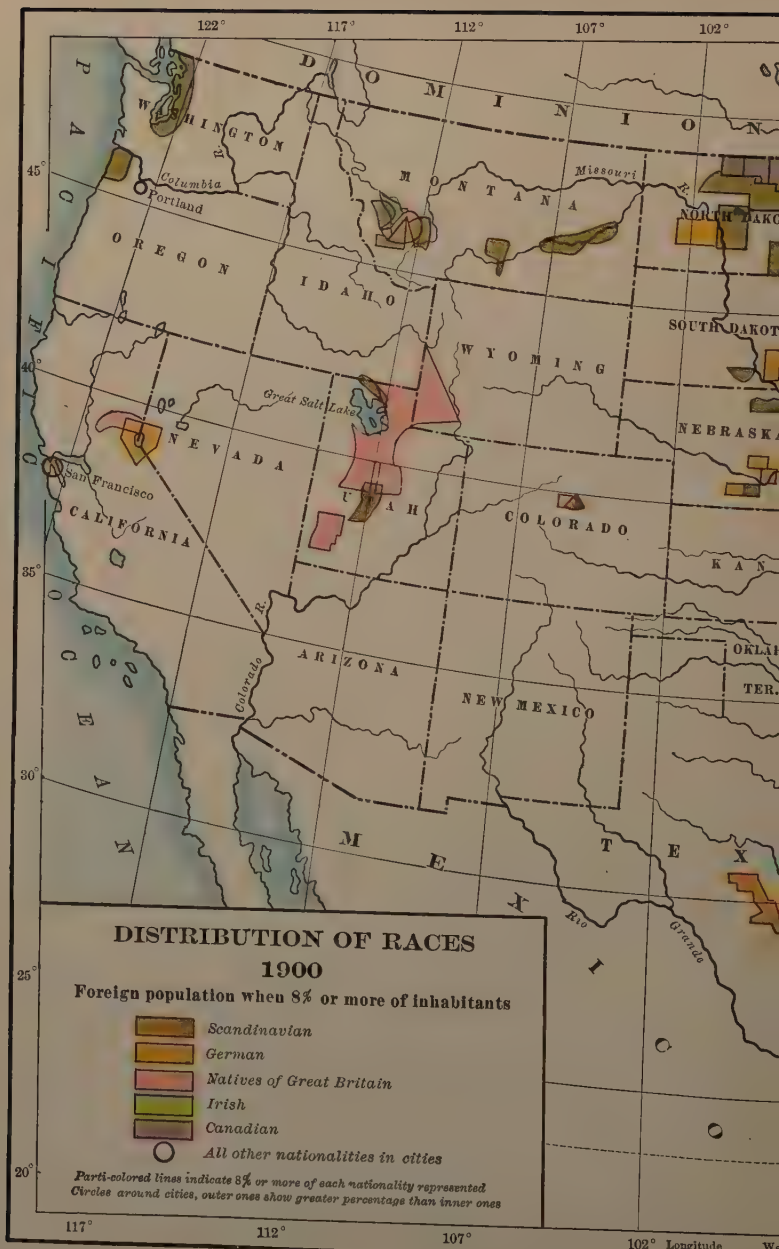
[1] Breen, *Thirty Years of New York Politics*, 318.

is in eight cases out of ten a farm-laborer or small proprietor who has never lived in a city at home, yet blooms into a ruler of some of the most opulent communities in the world. Yet in a community where the farmer's boy is expected to become the city bank president, there is hope for the foreign peasant and enlargement for his children.

If the list of American great men be scanned, the contribution of the foreigner stands out clearly. The two greatest financiers of America have been the English West-Indian Alexander Hamilton and the Genevan Albert Gallatin. Two presidents, Van Buren and Roosevelt, are of Dutch stock; five others, Jackson, Buchanan, Grant, Arthur, and McKinley, of Scotch or Scotch-Irish descent. Perhaps the first citizen of New York City for a decade was Carl Schurz, the German; and one of the best publicists was Francis Lieber.

The figures quoted above show that the real test of the foreigner is not in the first, but in the second generation, where already there are two and a half times as many children as fathers and mothers. This means that the final solution of the immigration problem must be pushed still further down posterity to the point where the race elements are welded into a composite. Catholics seldom marry Protestants, but otherwise unions between people of two foreign races are frequent. At present the foreign strains grow faster than the American; but it seems likely that another generation will see a diminution in the

size of their families like that which has taken place among the natives. Whatever the social mixtures of the future, one thing is certain: the standards, aspirations, and moral and political ideals of the original English settlers not only dominate their own descendants, but permeate the body of immigrants of other races—the Puritans have furnished "the little leaven that leavens the whole lump."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25°
20°
PACIFIC OCEAN
WASHINGTON
DOMINION
MONTANA
Columbia R.
Portland
Missouri R.
NORTH DAKO
OREGON
IDAHO
SOUTH DAKOT
WYOMING
Great Salt Lake
NEBRASKA
NEVADA
San Francisco
CALIFORNIA
UTAH
COLORADO
KAN
ARIZONA
Colorado R.
OKLA
TER.
NEW MEXICO
MEXICO
TEX
Rio Grande
DISTRIBUTION OF RACES
1900
Foreign population when 8% or more of inhabitants
Scandinavian
German
Natives of Great Britain
Irish
Canadian
All other nationalities in cities
Parti-colored lines indicate 8% or more of each nationality represented
Circles around cities, outer ones show greater percentage than inner ones
117°
112°
107°
102° Longitude
We

92°
87°
82°
77°
72°
67°
C A N A D A.
LAKE SUPERIOR
LAKE MICHIGAN
LAKE HURON
L. ONTARIO
L. ERIE
St. Lawrence R.
MAINE
VERMONT
NEW HAMPSHIRE
MASS.
R.I.
WISCONSIN
MICHIGAN
NEW YORK
Boston
Worcester
Providence
Rochester
Buffalo
Milwaukee
Chicago
Detroit
Toledo
Cleveland
Pittsburg
Philadelphia
New York
PENNSYLVANIA
NEW JERSEY
MD.
DEL.
Baltimore
OHIO
INDIANA
Indianapolis
Cincinnati
ILLINOIS
WEST VIRGINIA
VIRGINIA
Louisville
KENTUCKY
Kansas City
St. Louis
MISSOURI
NORTH CAROLINA
TENNESSEE
SOUTH CAROLINA
ARKANSAS
Arkansas R.
Mississippi R.
ALABAMA
GEORGIA
MISSISSIPPI
LOUISIANA
New Orleans
FLORIDA
ATLANTIC OCEAN
BAHAMA ISLANDS
GULF OF MEXICO
TROPIC OF CANCER
CUBA
45°
40°
35°
30°
25°
20°
Greenwich
92°
87°
82°
77°
RAND McNALLY ENGRAVING CO., N.Y.

CHAPTER IV

DEPENDENT RACES

THE European immigrants have not had the continent to themselves; they found a native race of dark-skinned people; they brought another over from Africa; and they have added several others by annexations. These dependent races have for centuries affected American life and have put a strain upon popular government both in its principles and its practice. Most picturesque of them all is that which, notwithstanding a great variety of stocks, languages, and types of civilization, was, in the minds of the settlers, simply "the Indian." They tried to fit him into their preconceptions of what such people must be; hence the Englishman called Powhatan "an Emperor," though he visibly lived in a filthy bark house; and the English government, the colonies, and the United States have frequently made treaties with "nations" of a few hundred warriors. The Indians, in many respects, were an able race, and produced strong individuals, such as George Guess, King Philip, Pontiac, Tecumseh, and Sitting Bull; but as neighbors and co-tenants of the continent they had little to teach the white man: their wood-

craft has been exaggerated; and a few scattered words, such as "succotash" and "mugwump," are all that they have given to the English language.[1] The Puritans found it a convenience to look on them as devils, and there were few of the relations of friendship, marriage, and political alliance which marked European contact with Asiatic races.

The English sought to make slaves of these people, strong, vigorous, well-knit, and capable of great endurance. Conquest the Indian could understand, and extermination, but not slavery; and when put to it he had the unprofitable habit of dying untimely. Otherwise the Indian had little to give to the white man: the furs and skins obtained with so much cunning from four-footed neighbors were the only things that could be turned into hatchets, kettles, fire-arms, and the fire-water which his soul craved. The only commodity which the white man really wanted was land; and once transferred it would never grow again for the Indian.

If neither a good neighbor nor a good servant, the Indian was at least a good fighting-man; and since down to 1700 there were many more Indians than white men, his mobility, his quickness of attack, his power to strike a single crushing blow gave the Indian a natural advantage. The ferocious Five

[1] Farrand, *Basis of American History* (*Am. Nation*, II.), chap. xvii.; Shaler, *Nature and Man*, 184; Shaler, *United States*, I., 32–35, 223–227.

Nations, with two thousand warriors recruited out of their own captives, for a century and a half kept in terror the French, the Dutch, and the English. Time after time the Indians all but extinguished their invaders: the Virginians were nearly driven into the sea in 1621; King Philip's War in 1675 uprooted nearly half the New England settlements; as late as 1763 Pontiac made a large and dangerous combination of tribes against the English. Even when defeated, the Indians in many cases simply retired farther west, and their total number was probably never seriously diminished before the Revolution.[1]

During the intercolonial wars of the eighteenth century the Indians were often enlisted by the French or English as allies, though the European settlers professed to be shocked at the scalping and the stake and the death-song. The raids on such frontier settlements as Deerfield and Haverhill were no more cruel than the treatment of the hapless German peasants of the time by the civilized armies of Wallenstein and the great Louis XIV.; nor was the wretched white captive in an Indian tribe more to be pitied than the galley-slave of the Mediterranean, or even the English prisoner for debt. The obvious difficulty was that the Indians were of little use in war, because, if the first assault failed, they were likely to give up in disgust and go home. Nevertheless, man for man, the Indians

[1] Powell, in Shaler, *United States*, I., 226.

took more lives from the whites than they gave; and they were conquered only by the fire-arms, the discipline, and the comparative wealth of the invaders.[1]

Meantime, partly because Indian slavery broke down, the negroes, much against their will, came into America. Several African races were represented: the intensely black Guinea negro of the west coast, the browner people of the North, and captives from the fierce natives of the interior, brought down to the coast in the fearful slave caravans.[2] Whatever his variety of original race, climate and conditions little disturbed the race fixity of the negro; neither his physical characteristics nor his intellectual aptitudes have much changed during four centuries of contact with Europeans. The African in America has many attractive traits: he loves a joke, can sing a song, makes a tolerable soldier, shows faithful affection for his white leaders, works in the sun, and is exasperatingly cheerful under the worst conditions.[3] In his native home he is cruel, superstitious, and lustful; but the European brought new woes upon him when the Spaniards began to carry him from Africa to the New World, and a century later, in

[1] Roosevelt, *Winning of the West*, II., 123.

[2] Cf. Ripley, *Races of Europe*, 277–280.

[3] On the negro characteristics, see a suggestive summary in Bryce, *Am. Commonwealth* (ed. of 1901), II., 496; cf. Davenport, *Primitive Traits in Religious Revivals*, chap. v.; Shaler, *Nature and Man*, 26; cf. Adams, in Mass. Hist. Soc., *Proceedings*, Second Series, XX., 1906.

1619, negro slaves were received into the English continental colonies.[1]

The colonists were invoking a curse upon themselves, for tobacco made a profitable use for crude laborers; and by 1700 slavery was rooted in the South and existed in all the colonies. Then began wholesale importations, sometimes reaching twenty-five or thirty thousand a year.[2] All the colonizing nations in America fostered it, both in their islands and on the continent. The brutality and the destructiveness of the slave-trade, startling even in that epoch of frank and unabashed cruelty, caused it to be called "the sum of all villainies." First carried to the Virginia and Carolina coast, the slaves were soon taken into the back lowlands and then into the Piedmont, but could not be made available among the mountains. The negroes got on well in the northern colonies, and have even perpetuated themselves in small settlements in Canada; but they flourished in the warmer South, where their crude labor was available on tobacco, rice, and cotton.[3]

The planters believed that negro slaves were essential; but the experience of the northern colonies shows that, had the South stood out against that kind of immigrants, it would have drawn in and

[1] Bourne, *Spain in America* (*Am. Nation*, III.), chap. xviii.; Hart, *Contemporaries*, I., 75, 298, 303, 304, 535, 538.

[2] Du Bois, *Suppression of the Slave Trade* (*Harvard Hist. Studies*, I.), 5.

[3] Shaler, *Nature and Man*, 234; Bryce, *Am. Commonwealth* (ed. of 1901), II., 491.

upraised a free white population sufficient for its needs, and would have spared woes innumerable to blacks and whites. The negroes, once established, began to increase; and at the outbreak of the Revolution there were five or six hundred thousand of them, of whom a full half must have been born on the soil.

In the guilt and profit of slavery the northern and southern colonies shared about equally; for the North carried the slaves and the South bought and worked them. In both sections there were early objections to slavery, of which perhaps the earliest was Reverend John Eliot's *Petition against Indian Slavery*, in 1665: "To sell soules for mony," said he, "seemeth to me a dangerous merchandize." Here, as in most of the public protests during the next hundred years, the starting-point was that slavery was contrary to Christianity; and several colonial apostles of freedom—such as the Puritan Samuel Sewall and the Quakers John Woolman and Antony Benezet—brought home this lesson to their countrymen.[1]

The status both of the Indian and of the negro was in clear contradiction to the ideals of the time; for both chattel slavery and villeinage had died out in England, and personal freedom was the dearest birthright of the Englishman at home or over-seas. The Indians, though recognized as the owners of the

[1] Locke, *Anti-Slavery in America* (*Radcliffe Monographs*, No. 11), chap. i.

soil, were not members of the body politic, even when they accepted civilization; and their tribal governments were subjected, where they could be reached, to English or colonial authority. In one direction the negroes had a still worse status, inasmuch as they were subject to elaborate codes of laws restricting their movements, providing special punishment for slave offences, and placing in the master almost absolute power. On the other hand, the free negro could vote in all the colonies but two, if he had the property qualification; and it was as easy for him to become a recognized member of the community as for his companion, the indentured white servant. The efforts of the colonies, sometimes on moral grounds, more often on fiscal, to limit the slave-trade, were regularly defeated by the British government.[1]

The Revolution greatly altered the status of both these dependent races, the Indians for the worse, the negroes for the better. The Five Nations, which long before had become Six Nations, took what proved for them the fatal side in the Revolution, so that in 1779 Sullivan's troops entered their country; and when he came away there was left only a broken-spirited fragment, which never more influenced the destiny of America. Wars in the Southwest, between 1774 and 1790, brought the whites into contact with the Creeks, Choctaws, and Cherokees, as

[1] Du Bois, *Suppression of the Slave Trade* (*Harvard Hist. Studies*, I.), chaps. ii.–iv.

bellicose as the Five Nations and much more numerous. All these wars brought into action the Indian habit of looking on white people as a single tribe, upon any member of which vengeance might be taken for injuries from any other member, a theory cordially adopted by the frontiersman, who occasionally massacred prisoners and innocent Christian Indians. Although the white people did not, like the French *coureurs de bois*, intermarry with and sink to the level of the Indian, the unceasing border warfare intensified the rudeness of the frontier. The whites gained a toughness of character, a love of fighting, a fierceness of revenge, and a contempt for the other race; and the Indian did not take on the refinements of Christian civilization.

To be sure, after the Revolution the Federal government was in control of the Indians, and tried to protect them against the greed and anger of the frontiersmen; but it kept up the traditional policy of treating each Indian tribe as a political unit, with which treaties could be made for a cession of territory. By 1805 the two races were separated by a definite geographical line, east of which the Indians were not to come, and beyond which the whites were not to penetrate. Agents were sent out, and, later, missionaries were allowed; for the Federal authorities meant, if possible, to bring the Indian up to a condition where he could live alongside the white on equal terms.

The free negroes were already living in the midst

of the whites, and subject to all the influences of white life, and a result of the Revolution was a great increase in the free negroes through emancipation. The rights of man logically applied to all human beings; and, considering the number and origin of the mulattoes, it was impossible to set the negro down as a beast outside the conditions of humanity. Hence arguments such as that of Thomas Jefferson: "With what execrations should the statesman be loaded, who, permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies." [1] Hence an organized propaganda against every form of slavery, first through abolition societies and then through state constitutions and emancipation laws, by which, between 1777 and 1804, the eight states north of Maryland all abolished slavery or put it in process of extinction.[2] Men like Washington and Madison expected that the same steps would be taken in the South; where tobacco had ceased to be important, slaves were unprofitable, and there was no race hostility towards the free negroes.

For that reason the Federal convention of 1787 did not meddle with slavery, except by recognizing that it existed where it existed, and by some neces-

[1] Jefferson, *Works* (Washington ed.), VIII., 403.

[2] Bassett, *Federalist System* (*Am. Nation*, XI.), chap. xii.; Locke, *Anti-Slavery in America* (*Radcliffe Monographs*, II.), chaps. ii.–v.

sary clauses on taxation, on fugitive slaves, and on the slave-trade, together with such specific authority over the District of Columbia, and implied authority over the territories, as was supposed to include control over slavery. The negro was not a factor in the national government, but his peculiar status seemed only a temporary denial of the rights of man, and the race question seemed likely to pass out of politics.

Between 1789 and 1820 the Indians, both in the Northwest and the Southwest, went to war on a larger scale and with better strategy than ever before: they were broken by Wayne in Ohio in 1795; Tecumseh failed at Tippecanoe in 1811; the Creeks and Cherokees and Seminoles, in a series of wars from 1812 to 1818, were crushed and humbled. By this time currents of civilization had flowed around the Indian tribes, leaving them on detached reservations, which were islands of Federal jurisdiction, in the midst of hostile whites. Georgia, followed by Alabama and Mississippi, refused to accept the permanent reservations, broke up the tribes, appropriated their lands, and practically compelled the Federal government to remove them west of the Mississippi.[1] Tocqueville paid his tribute to the rigid adherence to legal forms with which the Indians were deprived of their aboriginal rights: "Tranquilly, legally, philanthropically, without shedding blood, and without violating a single great principle of moral-

[1] MacDonald, *Jacksonian Democracy* (*Am. Nation*, XV.), chap. x.

ity in the eyes of the world. It is impossible to destroy men with more respect for the laws of humanity." [1]

From 1835 to 1860 the strife was renewed in the far Northwest, where transcontinental routes opened up new tribes, especially the horse Indians of the plains, most of them living on buffalo. The problem was always the same: reservation or no reservation, the white settler would not permit a thousand Indians to occupy a tract of land on which a hundred thousand white people might come to live in comfort. In 1849 the Indian bureau was transferred from the war department to the new interior department, which brought about the inconvenience that the Indians were fought and civilized by two different sets of people. Constant skirmishing and occasional little wars continued in the far West: the reservations were distant; resident agents had to take discretion; and too many of them were unblushing robbers of their wards.

A third race problem was now opening up: by the annexations of Louisiana, the Floridas, Texas, California, and New Mexico,[2] the United States came into control of several small communities of Latin-Americans. All but one were soon organized as states; but in New Mexico the alien population of Spanish blood was distrusted and was kept in the territorial status.

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 353.
[2] See chap. ii., above.

The Indians and Mexicans were at least trying to work out their own destiny, while the negroes had to sit silently and see the country convulsed over questions about their welfare. For this state of things the cotton-plant had much responsibility, by causing slaves again to become valuable; for from about 3000 bales in 1789 the crop rose to 870,000 in 1839 and 5,000,000 in 1860. Between 1790 and 1830 the slaves more than tripled in number; and the southern anti-slavery movement, represented by the American Convention, with its propaganda of printed matter and petitions, was at last killed out.[1]

During the thirty years from 1830 to 1860 the negro as an individual grew less and less important, and the negro question and its effect on American politics grew more and more serious. After the Missouri debate of 1820, both sections realized that slavery as a system was antagonistic to free labor as a system. The result was fierce conflicts over the annexation of Texas and then of New Mexico and California as potential slave territory. A new kind of abolitionist militant arose in all parts of the North—"come-outers" like William Lloyd Garrison, and political abolitionists like Salmon P. Chase—who never wearied of showing the contradiction between slavery on one side and human nature, Christianity, and the rights of man on the other. They were aided by the rise throughout the western world of an un-

[1] Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. xi.

wonted sympathy with the poor, the weak, and the friendless, and the nomad man.[1]

In this crusade for the rights of the black man, a few negroes joined, of whom Frederick Douglass is the best known; but the mass of the race went on with its tasks helplessly, and let the storm rage above it. Three negroes only — Gabriel in 1800, Denmark Vesey in 1822, and Nat Turner in 1831 — tried to organize their fellows in insurrections, which alarmed the South and led to new and severer black codes. The free negro lost his suffrage, not only in every slave state, old and new, but in most of the new free states. North as well as South the race prejudice against the negro became such that, outside of New England, he had hardly the status of a completely free man anywhere.[2] The inconsistency was pointed out by Lincoln: "There is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence. . . . I agree with Judge Douglas he is not my equal in many respects, . . . perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal, and the equal of Judge Douglas, and the equal of every living man." [3]

[1] Cf. Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), passim.

[2] Tocqueville, *Democracy in America* (Spencer ed.), I., 257, 366–373; Hart, *Slavery and Abolition* (*Am. Nation*, XVI.), chap. vi.

[3] Lincoln, *Works* (Nicolay and Hay ed.), I., 289.

To the attacks upon slavery the South responded fiercely and aggressively, and in thirty years advanced to the point where slavery was held up as almost a moral duty. Parties and politics were inevitably warped by this contest, which involved not only the abstract right of the negro to freedom, but the immediate and active privilege of the abolitionist to say that he ought to be free. The struggle was full of bitterness and of mutual reproach, but it had the great merit of holding up before Americans in all parts of the country the ideals of equality before the law, of the brotherhood of men in the sight of God, and the patent fact that slavery and freedom could not be yoked together under a Federal government. As Lincoln quoted it, "A house divided against itself cannot stand."

When the long-imminent Civil War broke out in 1861, the negro had his first chance to be an active principle in American life: he ran away across the lines and became "a contraband of war"; together with the rest of his seceding master's property, he was declared confiscated by act of Congress; he was the humble aid and ally of the northern forces. For his benefit Congress abolished slavery in the District of Columbia and in the territories; and the president, on January 1, 1863, declared him free within the Confederate lines. Then nearly two hundred thousand negro troops put on the blue uniform. When the anti-slavery Thirteenth Amendment of the Constitution was submitted to Congress, President Lin-

coln said, "We have finished the job." North and South alike believed that the question which had so long disturbed the national peace was at last ended, and without that fearful race war which John Quincy Adams had predicted thirty years before.[1]

When the smoke of the Civil War had cleared away, people began to see that both negro and Indian still needed to be educated, civilized, elevated. General Grant, as president, adopted what was called the peace policy towards the Indians: the government sent them, out of sums due the Indians for their lands, teachers and instructors in farming, and spent large sums for education—four million dollars in 1906; it took on itself the responsibility for protecting their rights, kept off squatters, and annulled improper land leases. Since 1877 the policy of the government has been to get the Indian to accept land in severalty, thereby leaving his tribal relation and becoming a citizen of his state and a voter. The five civilized tribes of Oklahoma all accepted these terms in 1907, and became merged into the body politic of that state.

As for the negro, he had no tribe and no treaties, and was already absorbed by the community in which he lived. For him the forty years after

[1] Tocqueville, *Democracy in America*, I., 372; on the process of emancipation, Hosmer, *Appeal to Arms* (*Am. Nation*, XX.), chap. xiv.; Hill, *Liberty Documents*, chaps. xxi., xxii.; C. F. Adams, in *Am. Hist. Rev.*, VI., 230–234 (January, 1901.)

emancipation saw a change of popular ideals by which he lost freedom rather than gained it. In 1865 he acquired the right to move about, to choose his own employment, to make his own contract for wages, to aspire to his own education; but he was like the blind man receiving his sight, who said, "I see men as trees walking." People soon began to perceive that, though slavery was gone, a servile race remained. Freedom suddenly enlarged a circle of opportunities, but it brought new responsibilities, new burdens, new influences. It soon became evident that the negro must not only accept civilization from his white neighbors, but that they desired and expected him to be politically an inferior and a dependant.

In this process American ideals have been strained and disturbed. On one side the negro has disappointed most of the predictions made about him: people said that he would rather starve than work, but somehow he has managed to feed himself, his family, and his old people; southern writers keep proving that he has lost vitality, but at every succeeding census he shows the contrary by ungainsayable figures.[1] On the other side the whites, though they like the negroes personally, feel exasperated towards the race; they believe there is a physical repulsion between the two peoples, yet are sure that unless stern measures are used the races will ultimately

[1] Bureau of the Census, *Bulletin*, No. 8, *Negroes in the United States*, 29.

be merged. They therefore demand "race separation," which means in effect that the negro is on all occasions to be put in a position of visible inferiority.[1]

This state of feeling extends to the pursuits of the negroes, from whom comes most of the hired agricultural labor in the South: so far as the law goes they may choose many callings, but the tendency is to leave them only the ruder tasks, and they are shut out from most positions of authority. A negro may be fireman on a locomotive, but never an engineer; a porter or brakeman, but never conductor; helper in iron-works, but not a puddler. It affects also the educational question, for since the war the freedmen and their children have had some sort of schools; but in most places they are denied secondary education, and the handful who get higher manual training or collegiate instruction do so in many of the southern states through institutions supported from the North. Their teachers, with few exceptions, are negroes, for the south has withdrawn the advantage so much prized in slavery times of the direct personal influence of the southern women upon the negroes.

On the top of the unsolved Indian problem and the insoluble negro question, the people of the United States, by the annexations of 1898 and 1899, took to themselves a set of Spanish, Hawaiian, and

[1] Wells, *Future in America*, 186; Bryce *Am. Commonwealth* (ed. of 1901), II., 503–512; Hart, "The African Riddle," in *Saturday Evening Post*, October 28, 1905.

Malay race issues, forgetting that they had escaped a Chinese conflict only by desperate and dangerous methods.[1] A new set of vital questions forthwith arose. Were the people of these dependencies entitled to the rights for which Americans had been contending during a century and a half? Did the guarantees of a Federal Constitution apply to them as soon as they were annexed by the United States? Were they to receive the kind of local and territorial self-government which was enjoyed by other communities not yet ready for statehood? Were they within the customs boundary of the United States and therefore free to trade with the continent without paying duties? Were they citizens of the United States, free to come and go within all parts of the empire? These are critical questions; even the resident alien has rights before the courts, and in some states has the suffrage. Whatever the ultimate decision, these dependencies must be an anomaly to American democracy.

What has been the net effect of these races on American ideals? The presence of the Indian has put a strain on free government, and has had a brutalizing influence on the frontier; for Americans are not softened by responsibility for a weaker race. The care of the Indian has also tended to demoralize national, state, and local governments. To the high credit of America must be placed the recognition of

[1] Cf. chap. iii., above.

the Indian's right to his own ancestral lands; but out of that generosity arises the paradox that the poor Indian is the wealthiest man in America! Every man, woman, and child of the living Cherokees has a share in property held by the United States amounting to not less than ten thousand dollars, and the problem of administering that great trust is very serious.[1] The social future of the Indians is still uncertain: there is no strong race prejudice against them; half-breeds are numerous, and in 1907 an Indian took his seat as United States senator from Kansas. Can the Indian stand the pressure of civilization? At the end of twenty-five years, when he gets the right to transfer his title, will he cling to his land? Or will he become a gypsy race, a curse and degradation to the white communities among which he moves? At best the hope of the Indian is to lose his own individuality in the nirvana of Americanization.

With the negro the conditions are not very different. As a race he, too, has contributed little to the ideals of America: his languages have perished; his tribal customs have long since died out; he has accepted the tongue, the religion, the literature, and the standards of his former masters. Yet by them he is still held to be an alien in the land where he was born, and a stranger amid the graves of his fathers. Docile, good-humored, often eager to improve, he

[1] Commissioner of Indian Affairs, *Annual Report*, 1906, pp. 134–153.

has nevertheless put a strain upon all the theories and moralities of American democracy. Indirectly, the negro has been the means of calling attention to that sacred right of personal freedom which lies at the basis of popular government. Directly, the negro in forty years of freedom has shown that he may move about from place to place or from state to state without public danger, except the few cases of assault on white women; that he may set up his own churches, press, societies, and public meetings without conspiring against his white brothers. Almost nobody in the South thinks that the community would be better off if the negroes were re-enslaved.

That does not prevent a race animosity which is contrary to all the American ideals of a republican community, and is a severe test of the principle of equality of opportunity, of "the door of hope." Here comes in one of those contradictions which can be found all along the history of this question: on one side the negro is held to be weak, inconstant, and incapable of organization; on the other side are heard fierce predictions that he will soon come to compete with the white man, in which case he must be massacred.[1] If the negro is worthless, he exasperates the whites; if he is capable, he alarms them. The situation shocks the American sense of fair play.

The Filipino is, fortunately for himself, too far from the mass of white population to meet these

[1] Thomas Dixon, Jr., in *Saturday Evening Post*, August 19, 1905.

social and economic rivalries; but politically he is also shut out of the national ideals of self-government and eventual statehood. The undeniable superiority of the whites as a race over all the dependent peoples, and their greater ability to carry on government, raises the fundamental question of democracy. There is no reconciling the general principles of English liberty, of the Revolution, and of the Civil War with the differences made between these people and their neighbors. Is a share in the government, on some terms and under some restrictions, the right of all men or of selected men? When you have left out the convicts, the paupers, the insane, when you have perhaps excluded the illiterates and the non-payers of poll-taxes, can you then go on and exclude millions of men simply because of the color of their skin? The principle, once admitted, may go much deeper; it may shut out all foreigners or a particular race of foreigners; it may hit the non-union man; it may even extend to those who do not rightly comprehend the theories of American democracy. On the solution of that problem depends the future of American free government, and it cannot be settled by simple prejudice and race denunciation, by rousing the passions of one part of the population against another. It was the leader of the negro race, the greatest of his race ever produced in America, who said, "I will never allow any man to drag me down by making me hate him." [1]

[1] Booker Washington, in an unreported address.

CHAPTER V

SELF-GOVERNMENT

SO far this volume has dealt with conditions rather than with theories—with problems and their solutions rather than with the contribution of the Americans to the world's stock of experience. To discuss the American principles of government one must go far back, for America is the child of Europe, and present standards are built upon traditions and practices which our forefathers brought with them. On the other hand, the special conditions of the conquest of a wild continent, of the intermingling of race elements, have modified these original ideas and have added other political conceptions. America has developed a body of political principles which have crossed the ocean and have affected every other government in the world. The fabric of the state rests upon a group of generalizations which are stated partly in constitutional documents and partly in decisions of the courts, but exist chiefly as unwritten principles of political ethics in the minds of Americans themselves. Of these American principles the vital ones are: personal freedom, which involves the right to be one's own master, to

choose one's own calling, to go where one pleases, and to form and express one's own opinions; equality, which means not that people are equal, but that they start equal before the law, and shall have no artificial disadvantages placed in their way; democracy, which means the right to participate in government and thus to protect freedom and equality. This is the "liberté, égalité, fraternité" of the French; this is the "self-government" of America.

The success of the Americans in maintaining liberty is first of all due to the splendid tradition brought over by the earliest English settlers; for England, notwithstanding ranks and inequalities, was the freest country in the world; it was the only land without human bondage; it was endowed with written charters of personal liberty; it had the fairest system of trying persons charged with crime; and in the century of struggle between Parliament and the Stuart sovereigns the English hewed out a representative government which is still working well.[1] These priceless privileges were brought over to America by colonists whose theory was that they were Englishmen out of the kingdom but not outside of English law; they claimed and received the traditional common-law rights and the benefit of the English charters of liberty. They asserted also that they were fairly included in the great statutes of personal liberty, such as the Petition of Right of

[1] Hill, *Liberty Documents*, passim.

1628 and the Habeas Corpus Act of 1676.[1] They knew the English political philosophers and jurists; they appealed to English experience; they were in relations with an English colonial office. These traditions and the vigor of their race made the colonies what they were; for they had no advantages of soil or climate above their French and Spanish neighbors; they pushed to the front because they enjoyed a political system under which the community developed the highest powers of the people.[2]

In the seventeenth century these principles of freedom were held to be the special privilege of a part of the population, leaving out negro slaves, Indians, white indentured servants, and aliens; and the major part of the free English were non-voters who had to accept the decisions of the voters. Nevertheless, in all the colonies personal liberty, legal equality, and self-government were active. A little legislative assembly convened in Virginia in 1619. In New England there was some reluctance: John Cotton once spoke of democracy as "the meanest and worst of all forms of government"; John Winthrop objected to "referring matter of counsel or judicature to the body of the people, *quia* the best part is always the least, and of that best part the wiser part is always the lesser."[3] Thomas Hooker,

[1] *Am. Hist. Rev.*, VIII., 18–27.

[2] Tocqueville, *Democracy in America* (Spencer ed.), I., 28, 319, II., 5.

[3] Winthrop, *Hist. of New England*, II., 428.

in a sermon preceding the adoption of the first constitution of Connecticut, in 1638, declared that "The foundation of authority is laid, firstly, in the free consent of the people." [1] Whether the clergy liked it or not, the government of all the New England colonies became democratic; while in New York a popular assembly was reluctantly granted by the proprietor; and in Pennsylvania William Penn held out the suffrage as an inducement for going to his new commonwealth.[2]

Upon such a foundation arose the eighteenth-century English colonies, with the freest and most popular governments then known to mankind. In the few cases where they retained charters they appealed to them as the basis of additional liberty; where they had no charters they insisted that they should nevertheless hold an assembly and make their own laws.[3] As a part of these general rights, the colonists moved freely from place to place and from colony to colony, and it was easy for Englishmen, and even for men of other races, to be naturalized. People were accustomed to express their minds in town-meetings and legislatures, and could not long be restrained from putting them into print. After the Zenger case, in 1735, it had to be admitted that a journalist might criticise the government.[4] Trade

[1] Hart, *Source Book*, 51.

[2] Merriam, *Am. Political Theories*, 15–29; Ford, *Politics*, 70; Cleveland, *Democracy*, 80.

[3] Hart, *Contemporaries*, II., chap. vii.; Hill, *Liberty Documents*, chap. xi.

[4] Hart, *Contemporaries*, II., 192–199.

and professional guilds were unknown, and boys went into any calling for which their fathers thought them fitted.

Personal liberty did not then include equality, for there was still a strong sense of deference to "the better classes," and the suffrage was limited to holders of property, including nowhere more than a third of the heads of families; but democracy flourished. William Penn complained of his people that, "Having got out of the crowd in which they were lost here, upon every little eminency there, [they] think nothing taller than themselves but the trees." [1] On the first opportunity for a joint statement, the colonists, through the Stamp Act Congress of 1765, made a declaration of their "most essential rights and liberties," in which they declared "that the only representatives of the people of these colonies are persons chosen therein, by themselves." [2]

Into this abode of peaceful freedom came the Revolution, which was at the same time an appeal to the loftiest principles of human liberty and a practical denial of the rights of the Tory minority.[3] That difficulty passed by, the first Continental Congress drew up a new declaration of rights, again insisting that "the foundation of English liberty, and of all free government, is a right in the people to

[1] Pa. Hist. Soc., *Memoirs*, IX., 374.
[2] Niles, *Principles and Acts of Am. Revolution*, 457.
[3] Van Tyne, *Am. Revolution* (*Am. Nation*, IX.), 28, 29, 51.

participate in their legislative council." [1] In 1776 the second Continental Congress framed the Declaration of Independence, declaring that "governments are instituted among men, deriving their just powers from the consent of the governed." In the bills of rights incorporated into the thirteen state constitutions,[2] and in the first ten amendments to the Federal Constitution, are incorporated many specific rights of the individual.

The bills of rights were only the outward statement of the inward principle of democratic government, which caused the Revolution to appeal to sentiments stirring in England and in France, and latent in Germany and in Italy—sentiments which have since penetrated into Africa and Asia. By its insistence on the inherent rights of man, the Revolution destroyed eventually the old colonial discriminations. The logic of the Revolution, if pushed forward, ignored distinctions of property, race, color, or acquired experience. For instance, in 1777 Vermont set up manhood suffrage in its new state constitution. Yet the aristocratic element was still strong in America, and there were many protests against the sweep of democracy. Even John Adams maintained that "the rich and the well-born" must still have a separate representation; and declared that "All projects of government, formed upon a supposition of continual vigilance, sagacity, virtue, and firmness of

[1] John Adams, *Works*, II., 538.
[2] Schouler, *Constitutional Studies*, 29–44.

the people, when possessed of the exercise of supreme power, are cheats and delusions." And Alexander Hamilton, when secretary of the treasury, once declared at a dinner, "Your people, Sir, your people—is a great beast." [1]

From the Revolution to the Civil War extended a period in which democracy was triumphant in adapting itself to new conditions. The revolutionary theories of democracy grew up in rural communities where people all knew one another; but when population grew out of the democratic touch of shoulder to shoulder, improvements in transportation came about such that, the more the nation grew, the closer it was welded together. Meantime, the extension of the frontier renewed from decade to decade the actual equality which made democracy the only possible form of American government.[2] Another element in the democratization of America was the welcome to foreigners. Except during the craze of the alien and sedition acts in 1798, the Federal government asked for only a five years' residence before naturalization, and down to 1862 no check or limitation of any kind was put upon the admission of foreigners of any race: they were allowed and encouraged to buy public lands; they passed freely from state to state; and in some states they were admitted to the suffrage before they became citizens.

[1] Cf. Merriam, *Am. Political Theories*, 123–127; H. Adams, *United States*, I., 83–89.

[2] Godkin, *Problems*, 31–33, 37–40, 260.

Such willingness to make an alien a voter shows an ideal of the suffrage very different from that of colonial times. Nearly all the western states after 1800 entered the Union with virtual manhood suffrage; and before 1860 such of the older communities as had religious and property qualifications revoked them, leaving only small tax qualifications. This was an experiment in popular government new to mankind, and many wise heads wagged in doubt. Sir Charles Lyell asked in 1842 how the world was to get on unless "some must be content to break stones on the road and dig canals, instead of choosing lawgivers, and instructing them how to vote." [1] But Horace Mann made clear the belief in the uplifting power of the suffrage: "The theory of our government is—not that all men, however unfit, shall be voters—but that every man, by the power of reason and the sense of duty, shall become fit to be a voter." [2]

This was the high tide of equality, in which demagogues tried to hold their influence by assuring their constituents that all men were leaders; when Americans were sure that they had the best government under the sun, and prescribed it to all their neighbors. Tocqueville cynically suggested that, "An American is forever talking of the admirable equality which prevails in the United States: . . . but in secret he deplores it for himself; and he aspires to show that, for his part, he is an exception to the

[1] Hart, *Contemporaries*, III., 560.
[2] Mann, "Common School Education," in *Life and Works*, 83.

general state of things which he vaunts." The sense of equality was genuine in New England where the influence of ministers and squires as political agencies was expiring, and in the middle and western states where the farmers practised equality. Even in the South the poorest planter felt no sense of political inferiority to the richest, for the great apostle of equality was Thomas Jefferson, a member of the most exclusive and aristocratic society in the United States. In business, employés had a sense of common effort in the joint enterprise.[1] The essential democratic principle was never better stated than by Abraham Lincoln: "Twenty-five years ago I was a hired laborer. The hired laborer of yesterday labors on his own account to-day, and will hire others to labor for him to-morrow. Advancement—improvement in condition—is the order of things in a society of equals." [2]

It was likewise Lincoln who most clearly showed the incongruity of democracy and slavery. That the freest people on earth should have bondmen; that enslavement should be defended as the ark of liberty; that equality should exist by thrusting down a whole race beneath the feet of the equals—these are contradictions which cannot be reconciled. The pro-slavery leaders urged that liberty was not a right but a reward, and Calhoun denied flatly that the

[1] See Tocqueville, *Democracy in America* (Spencer ed.) I., 266, 319, II., 111, 183, 184, 191, 309, 319.

[2] Lincoln, *Works* (Nicolay and Hay ed.), I., 179.

Declaration of Independence was true when it said that men were born equal; and he made himself the apostle of the doctrine that "slavery is a good, a positive good." [1]

While the sense of that contradiction was seeping into men's souls till even the discussion of slavery was prohibited in the South, the freedom of movement and the freedom of opinion were ever enlarging. Still, it was fifty years after the Revolution before the right of the press to tell the truth about public officials and private individuals was completely established. Tocqueville thought that in America people were terrorized by general opinion; but there was plenty of discussion between 1835 and 1860 on every subject known to man.[2] The only people, except abolitionists, held in general suspicion were a few scientific adherents of a new prophet named Darwin, whose hypothesis of natural selection was thought to assail the foundations of Christianity.

The right of association led to one political controversy, that of the anti-Masons; but after it passed by, in 1832, secret orders avoided politics and throve accordingly. This was the time of highest bloom for benevolent and reform societies—the days of "the causes." It was also the period when laborers discovered the power of combined action, and trades-

[1] Calhoun, *Works*, IV., 507–512; cf. Merriam, *Am. Political Theories*, 218–226; cf. chap. iv., above.

[2] Tocqueville, *Democracy in America* (Spencer ed.), I., 171, 178, 260; Duniway, *Freedom of the Press in Mass.* (Harvard Hist. Studies, XII.), 111–162.

unions and strikes became familiar weapons in controversies between the employer and the employed.

Democracy was so far satisfied with itself as to try to extend to other lands. While the United States was weak and uncertain of its own future, Jefferson had deprecated any idea of forcing democracy on Europe; but in 1823 Monroe wished to raise a cry of democratic defiance. In 1830, and again in 1848, democratic revolutions altered both the map and the spirit of Europe, and the Americans felt that their principles were universal. In 1850, Daniel Webster thought fit to say in a despatch to the Austrian representative that in comparison with the territory of the United States, "the possessions of the House of Hapsburg are but a patch on the earth's surface." The Americans sympathized uproariously with the Hungarian Republic of 1848, and lionized Kossuth until they discovered that he wanted them to risk something for his country. All these things showed a strong confidence in American democracy, of the principle of which the French philosopher truly said: "Nothing is more fertile in prodigies than the art of being free . . . the most powerful, and perhaps the only means of interesting men in the welfare of their country, which we still possess, is to make them partakers in the government." [1] Democracy had a right to be proud of maintaining a government under which men were happier and more prosperous than their brothers in other lands, and could

[1] Tocqueville, *Democracy in America*, I., 239, 243.

receive and assimilate hundreds of thousands of foreign immigrants.

The Civil War was partly a rivalry of opposing principles of government; for though the whites thought themselves democratic in the South, the voters followed with little question the suggestions of an aristocratic governing class; it was the democracy of Alexander Hamilton and not of Thomas Jefferson. In part the war was a conscious effort to make the Declaration of Independence true by destroying slavery. In part it was an expression of the belief that freedom can make all men free; that the negro was a black white man, who with a fair chance would become as good and intelligent a citizen as the European immigrant; and that after one generation there would no longer be any reason for political discrimination based on color. The apostle of the new freedom was Abraham Lincoln. "Nowhere in the world is presented a government of so much liberty and equality. To the humblest and poorest among us are held out the highest privileges and positions. The present moment finds me at the White House, yet there is as good a chance for your children as there was for my father's." [1] And Lincoln was one of the first men to suggest that some members of the negro race in the South ought to receive the suffrage.

Nevertheless, this highest tide of democratic feeling was followed by a reaction. So far as the negroes

[1] Lincoln, *Works* (Nicolay and Hay ed.)., II., 570.

were concerned, the South quickly accepted their freedom, but never believed the dogma that the principles of democracy of necessity applied to the black race. Before the guarantee of universal suffrage in the Fifteenth Amendment went into force in 1870, a movement had begun in the southern states for proving the unfitness of the negroes for the suffrage by depriving them of it by forcible or fraudulent means. Twenty years later the southern states began the process of carrying the disfranchisement of the negro into the state constitutions, notwithstanding the Fifteenth Amendment. The principle that "this is a white man's government," rules through every former slave-holding community.[1]

The citizenship of the negroes, including their right to sue, the protection of the law, and a uniform penal system, was specially protected by the Fourteenth Amendment, and has never been seriously questioned. In other directions, however, the liberal policy of offering citizenship to all comers has been altered. The naturalization laws were held not to apply to Mongolians, so that Chinese and Japanese residents must remain aliens. By a statute of 1865, and by a series of treaties with European powers, the United States admitted that American-born citizens could lose their American status by accepting naturalization abroad; and that foreign-born citizens might lose their naturalization by again taking up residence

[1] Hart, "Realities of Negro Suffrage," in Am. Polit. Sci. Assoc., *Proceedings* (1906).

in the country from which they came. Then after the Spanish War came the Filipino question, whether "government by the consent of the governed" was a universal principle.[1] The fact that the negroes were by this time practically excluded from any effective share in the government of most of the southern states was a precedent of much weight. The final conclusion was that the Declaration of Independence was a good gospel for white people, and perhaps for negroes born on the soil; but that it did not apply to brown people, nor to white people of Spanish blood and traditions, unless Congress so willed it.

In some other ways the high principles of personal freedom were limited by law or by custom. Beginning in 1882, the laborers of the Chinese race were refused admittance to the United States, a prohibition which in practice applied to nearly all Chinese except officials. In many towns and counties of the South and Southwest, including at least one place in Ohio, negroes are absolutely forbidden to reside, by a public sentiment which is if necessary enforced by mob violence. In a few places the negroes practically exclude all white people. Numerous cases have occurred of peonage — that is, the practical slavery of negroes, and sometimes of whites. Labor troubles have given rise to illegal arrests and confinement without specific charge of any crime, and sometimes in defiance of writs of *habeas corpus*—such were the Colorado "bull pens" in 1904, and proceed-

[1] See above, chap. iv.

ings there by which, without law and in defiance of the law, citizens of that state were summarily banished on the order of the governor. The right to choose one's own employment has been hedged about by rules of labor-unions, regulating apprenticeship and subdividing trades, and still more by the moral pressure and the physical violence used in time of strikes to prevent "scabs" from taking the place of the striking workmen.

No free people is more subject to the arbitrary will of the man in authority than the Americans. It is a rash thing to question the color of a policeman's uniform, while everybody accepts the tyranny of the train conductor and the baggage-man;[1] and officials of jails, poor-houses, and lunatic asylums create little satrapies unless they are carefully supervised. These infringements on American liberty are to a large degree the result of that criminal good-nature of the Americans which often keeps them from asserting their undoubted rights.

In another direction the law steps in with a growing table of restrictions upon the conduct of business. Public gambling-houses, once as free as tobacco-shops, are forbidden by law in nearly every part of the Union; and, where they flourish, commonly do so by making terms with the officers of the law. Lotteries, from the proceeds of which churches and college halls were once built, are now prohibited in every state and relentlessly hunted down into holes

[1] Muirhead, *America the Land of Contrasts*, 10.

and corners by the Federal authorities. Liquor selling is in some states prohibited, and in most of the others is subject to serious restrictions. Pursuits not held to be immoral are regulated for the public health and safety, such as the manufacture and transport of explosives, and the packing of meats; and by pure-food laws and drug laws, the states are seeking to prevent fraud and public injury. Employers have no more the freedom of half a century ago: hours of labor are regulated in many states and seem to be approaching an eight-hour standard; the labor of women and children is restricted; safety appliances are required, boilers and machinery inspected; for the protection of the community contagious diseases are put under the public care; vaccination is made compulsory; sanitation is insisted upon in tenement-houses. The old principle of *laissez-faire*, when applied to business, has broken down. The state constantly interferes to protect the individual, or a class of individuals, from his fellows.[1]

The American ideals of democracy have evidently suffered some shocks and disillusionments. Two generations ago men believed that personal liberty was inherent in human nature, that in every race of men there was a divine spark which could be raised into a flame under favoring circumstances; and that principle has affected all other civilized nations. Americans now seriously question their

[1] See below, chap. xiii.

own theories, and look for some principle upon which mankind is to be divided into those fit and those unfit for liberty; but where is the dividing line? Is it the white race against dark-skinned races? The Japanese, who are an element that must be considered in the modern world, deny that classification and have the power to prove their beliefs. Even the white race shows different degrees of capacity for self-government. Does the doctrine of inborn rights apply only to men of the Teutonic race? Is capacity the proof of a right to liberty and must therefore a race prove its love of freedom by conquering a weaker race? The principle of universal freedom and universal rights is simple and is uplifting, if it is only true: the opposite principle that the joys of freedom rightfully belong to a chosen race is like the old-fashioned doctrine of election, very comfortable to the elect. On the other hand, there is the fundamental fact that certain races have struck out for themselves a high degree of individual liberty, combined with efficient government; and they ought not to lose that birthright by admitting to their communion those who cannot appreciate it.[1]

The American ideal of equality also has difficulty in maintaining itself under modern conditions. First, because the only real equality is that of slaves under a master, of subjects under an Oriental despot: it is freedom that brings inequality, by giving

[1] Cf. Giddings, *Democracy and Empire*, chap. xviii.; Merriam, *Am. Political Theories*, 313, 314.

the best endowed an opportunity to rise above their fellows. Everybody knows that there is in America a variety of social classes; but with the exception of a half-dozen families, renowned throughout the world for their great wealth, and whose genealogy is therefore entered in the *World Almanac*, there is no such thing as a recognized aristocracy of birth. Very rich people flock together, but in America the very rich are seldom moral or political leaders. Public men are covered by the general title of "politician," which is rather a term of opprobrium. The "educated class" includes so many that it cannot be an aristocracy. Everybody is conscious of the inequalities of wealth, education, breeding, and force in the community; but it is an ingrained principle of the American mind that everybody has a right to better himself. With the single exception of the organized workmen, who expect to spend their lives in their trade and therefore push with all their might for advantages to their whole trade or body, everybody is trying to rise, to give his children a better opportunity than he had himself; and (always excepting the negro) equality of opportunity is still open to Americans.

The democracy of ninety millions is not the same as the democracy of four millions, who made up the nation in 1789. In some communities five per cent. of the population pays ninety-five per cent. of the taxes; and it is impossible that the influence of the rich should not be used to counteract the numbers

of the poor. American experience, however, plainly teaches that government solely by the rich, or even by the well-to-do, is no wiser than government by the average man, in whom is the hope of American democracy. The poorest day-laborer has a greater stake in good government than the man of wealth who can protect himself; and the poor man, through his rents and indirect taxation, pays more in proportion to his income for the support of government than the other classes of society. It is a mistake to suppose that the property-owner looks after the financial interests of the community: on the whole, the worst governed city in America is Philadelphia, which contains the largest proportion of house-owners.

The democrat is easily moved by bad times or other temporary evils; he is open to the flattery of the demagogue and to the management of the boss; but it has been proved over and over that a straight-out question, especially if connected with a straightforward man, will bring out a majority of the popular vote on the side of good government. As a matter of fact, the majority does not rule in the sense of registering its will; for in most elections in the United States the result is carried by less than half the voting population.[1] Government by consent does not mean government by assent: it is part of the privilege of democracy to accept the government of people for whom one does not vote; and there are

[1] Hart, *Practical Essays*, No. 2.

few states or cities in which the government for the time being does not keep in mind and serve the interests of the minority as well as of the majority.

Whatever the difficulties of democracy, it is what we have, and no better system has ever been suggested for America. The various schemes for restricting the suffrage all hit upon the difficulty that there is now practically manhood suffrage, which can hardly be altered except by consent of some of the people to be disfranchised. "Universal suffrage . . . has the majesty of doom," said Godkin; when none but tax-payers could vote in the cities they were notoriously careless in ministering to the welfare of the whole people. Public discussion is the antiseptic of politics, and there can be no such educative discussion as that intended to make votes.[1] In fact, the suffrage in the northern states has somewhat expanded through the admission of women to the vote, which began in the territory of Wyoming in 1869. There is now full woman's suffrage in Wyoming, Utah, Colorado, and Idaho; and in twenty-two other of the states women have a limited vote on schools, taxes, or other special questions. If woman suffrage actually widened the basis of intelligent voting, it would help to solve the problems of democracy; but it seems to double the constituency without altering the point of view or the average result.

[1] Godkin, *Problems*, 202; Eliot, *Am. Contributions to Civilization*, 21–30; Cleveland, *Democracy*, 150–155.

Another remedy for the troubles of democracy which has gained great headway is the referendum, or direct appeal to the voters. Beginning in Revolutionary times with popular votes on state constitutions, then extending to state, local, and municipal questions of every kind, the attempt is now making to put it forward as the normal way of expressing the public will on all contested questions. The referendum helps to free democracy by breaking up the artificial bonds of party management, and it is likely to defeat corrupt measures; but it puts upon the voter a responsibility as to the details and the balance of legislation from which the representative system was meant to free him; and it is doubtful whether the voter is not already worried and confused by the number of elections which he must attend and the number of candidates and issues for which he must vote.[1]

With all its difficulties and defects, with the contradictions of democracy in the status of the negroes and the dependencies, American democratic ideals are still vigorous and still dominant. "Its essential spirit," says Lyman Abbott, "is a spirit of faith in man." The salvation of the American people is their willingness to submit to self-imposed authority, and elections are not the only means of setting forth the ultimate popular will. By public meetings, by letters to their constituents, by personal insistence,

[1] Cleveland, *Democracy*, 182–241; Oberholtzer, *Referendum*, passim.

through the press and the pulpit, in courts of justice, the American people are ever insisting upon the great principle that "government of the people, by the people and for the people shall not perish from the earth." [1]

[1] Cleveland, *Democracy*, 171; Shaler, *United States*, II., 579–582; Hadley, *Education*, 32.

CHAPTER VI

THEORIES OF GOVERNMENT

FEW abstractions have had such effect upon the minds of men as the ideal of the state as an organization. The Roman imperium has been a regnant principle in Europe for twenty centuries, against which the church in the Middle Ages made head with its doctrine of "The Two Swords"—church and empire. To the French mind, "L'État" is something different from the body of Frenchmen or the French nation. It is therefore noteworthy that the people who have done most to alter the world's conception as to what government ought to be have furnished no political philosopher, formulated no accepted logical basis for their government, and justify Bryce's dictum that "the Americans had no theory of the State and felt no need for one," that in America "even the dignity of the State has vanished. . . . The nation is nothing but so many individuals. The government is nothing but certain representatives and officials."[1] Or as Tocqueville put it: "As they perceive that they succeed in resolving without assistance all the little difficul-

[1] Bryce, *Am. Commonwealth* (ed. of 1901), II., 535–537.

ties which their practical life presents, they readily conclude that everything in the world may be explained." [1]

It is true that the Americans would speak disrespectfully of the equator, if they did not ignore its existence; but no people is more profoundly influenced by their stock of political doctrines, only they approach theory from experience. Inasmuch as they practise freedom, equality, and self-government, they think there must be definite principles behind those usages. The American theory of government is to be sought, not in treatises on political ethics or the disquisitions of American statesmen, but in the choice of representatives, the votes of conventions, the acts of assemblies, the proclamations of presidents and governors, and the thousand other instances of the exercise of an accepted authority. The task of America has been to make popular government work, often in despite of its own theories; to alter a body of little rural communities, each with its narrow interests, into a mighty republic with a complicated and highly organized government, which nevertheless must perform its duties. Popular government might be held to be in itself a theory; but Americans are prone to accept it as a foregone conclusion beyond any necessity of argument; hence American theories of government have been on one side an attempt to account for the visible exercise of democracy, and on the

[1] Tocqueville, *Democracy in America* (Spencer ed.), II., 2.

other to protect it by formulating it in a sacred principle, which to attack is political impiety.

The colonies were cradled in the midst of discussions over the meaning of popular rights: in the English Revolution they used to refer to the "New England Way" as a principle of government which might be applied in the home country. Yet neither the English Commonwealth nor the English Revolution of 1688 was founded on theoretical rights of man: they were assertions of the immediate rights of the Englishmen concerned, as hewn out for them during previous centuries. Of these great English principles, three may be mentioned as passing naturally to the colonies: these are legal equality, sovereignty of the people, and participation in government.

The common-law principle of equality before the law was one of the greatest achievements of the English race; for alone among nations it subjected all men, including officials, to the same law, to the same courts, the same judicial procedure, the same table of penalties. The English method of examining into charges of crime, and especially the jury system, was without a rival in fairness, in openness, and in speed.

A second English principle was popular sovereignty, veiled in the struggle with the Stuarts under the form of the "supremacy of Parliament." In other lands this theory of the sovereignty of the people might have destroyed the rights of the individual; but custom, tradition, the habit of referring

to the charters of liberty were such that the Englishman still says to his Parliament, "There shall thy proud wave be stayed." The colonists doubtless also held, as Tocqueville says, "that in every state the supreme power ought to emanate from the people; but when once that power is constituted, . . . they are ready to admit that it has the right to do whatever it pleases." [1] But it never entered the mind of the American colonists that a genuinely popular government could destroy the personal rights which were their tradition and their glory.

In self-government the colonists improved upon their birthright of political theory. Their local governments, their town-meetings, their frequent elections gave them many opportunities to practise that acceptance of the will of the majority which is the supreme test of popular government; and "the belief in the right of the majority lies very near to the belief that the majority must be right." [2] They accepted an upper house, which was practically the representative of wealth; but they overawed it by the vigor of their lower houses, headed by a speaker as leader of the opposition.[3] They received royal governors and submitted to their veto, but they found means to check them by the taxing power and by a playful

[1] Tocqueville, *Democracy in America* (Spencer ed.), II., 309; University of Pennsylvania Publications, History Series, No. 2.

[2] Bryce, *Am. Commonwealth* (ed. of 1901), II., 347; Cleveland, *Democracy*, 136–142; Ford, *Politics*, 143; McKinley, *Suffrage in the Colonies*, 255, 267, 296, 297, 357, 437.

[3] Follett, *Speaker of the House of Representatives*, chap. i.

way of withholding the governor's salary until he came to terms.[1]

No inherited principle of government was more fruitful in the colonies than that of limitation on governmental authority. To the Englishman and the colonist alike government was always exercised under both written and unwritten safeguards. Parliament was sovereign, but in practice Parliament never thought of altering such legal principles as descent by primogeniture, and still less of repealing the great statutes of English liberty; the crown after 1713 lost the veto power, and the courts accepted each successive act of Parliament as it came to them. Back of Parliament, king, and judges, therefore, was a body of unwritten principles which in the eighteenth century came to be called "The Constitution."

Colonial governments were limited not only by these traditional restrictions, but by positive written restrictions of various degrees of priority, and especially by the principle that corporations were limited by their written charters, and that acts outside the powers thus conferred were *ultra vires* and therefore void. Now the early English colonies were founded as trading corporations, with charters which were revocable for proved violation, and commonly contained a provision that their acts must not be repugnant to the laws of England. The Virginia

[1] Mason, *Veto Power*, Harvard Historical Monographs, No. 1, §7; Merriam, *Am. Political Theories*, 34–36; Hart, *Contemporaries*, II., chaps. viii., ix.

charter of 1612 and the Massachusetts Bay charter of 1629 were both subject to this double limitation; and both of these charters were eventually cancelled by English courts because of alleged overstepping of their bounds.[1]

From their earliest origin, therefore, the colonists had before their minds the ideal of restrictions on government. In the later royal and proprietary charters, from that of Maryland, in 1632, to that of Georgia, in 1732, the principle that the colonial laws must not contravene those of England was enforced by the veto of the royal governor, by disallowance of colonial statutes in England, and by appeals from the colonial courts to the Privy Council as a judicial body. In every part of their governments, therefore, the colonists were constantly made aware that they were subject to two kinds of law, the higher of which might nullify the lower.

The same principle was carried into the local governments of the colonists, which were looked upon as public corporations; under the principle of *ultra vires*, town ordinances and county votes could have no force if they went beyond the authority conferred by colonial governments, or acted contrary to colonial statutes. This idea of constitutional limitations was further carried out in frames of government prepared inside several colonies founded without a charter, and in written constitutions granted by the pro-

[1] Cleveland, *Democracy*, 45–48; Tyler, *England in America* (*Am. Nation*, IV.), chap. v.

prietors of North Carolina, Pennsylvania, and New York. For instance, the Fundamental Orders of Connecticut in 1639 provided that the little colony should be "guided and gouerned according to such Lawes, Rules, Orders and decrees as shall be made, ordered, & decreed, as followeth:—" No people in the world better understood that not only legislation, but the form of government, might be subject to a still higher political authority.[1] The whole course of colonial government was an acceptance and an adaptation of English principles which, when fitted together in the New World, constructed something free from restraint in small and local matters, but subject to the overruling of superior governmental authority.

Though the colonists made immense progress in working out forms of government at once popular and protected from abuse, few of those active in this process were interested in looking for the secret springs of their government. John Winthrop and William Penn and Alexander Spottswood and Benjamin Franklin were like the colonial carpenters of their time — they could build an excellent house without a plan carefully drawn to scale beforehand. Nevertheless, there were some English political philosophers whose books were read in the colonies. One of these was Hobbes, whose three works—*Leviathan*, *Behemoth*, and *Philosophical Rudiments*—are an attempt to account for royal government and to

[1] Schouler, *Constitutional Studies*, 23; Bryce, *Am. Commonwealth* (ed. of 1901), I., 429.

discover a principle which justifies non-resistance, conclusions in general foreign to the trend of colonial thought. Much more read in the colonies and frequently quoted there was John Locke. To meet the argument for the divine right of kings and to escape from "a state of nature," in which men cannot protect their rights, he worked out an elaborate theory that the state was made by a social contract, under which the majority must rule and the people must ultimately be sovereign. Like Hobbes, Locke distinguishes between "natural law" and "civil law," between the community and its government; and he favors a separation of governmental powers. These theories fell in with the preferences of the colonists.[1]

The early Puritans cared little for other men's books, and cited as their principal authority on government the code of Moses, which was the basis of the early criminal laws of Massachusetts and Connecticut. Another authority frequently quoted was John Calvin, from whose writings, however, little comfort could be drawn for the Puritan theory that there was a domain of churchly power within which the civil magistrates were not to be obeyed. Neither the philosophers nor the Scriptures really applied to the conditions of the American colonies, and the text of none of them could be invoked to stop the progress

[1] On colonial political philosophy, see Merriam, *Am. Political Theories*, chap. i.; Willoughby, *Nature of the State*, 42–85; Dunning, "Political Philosophy of John Locke," in *Pol. Sci. Quart.*, XX., 223–245; Hart, *Contemporaries*, I., Nos. 52, 72, 80, 93, 94, 98, 102, 107.

of popular government. The Revolution seems a period of extreme political theories, because people tried to find reasons for doing what they were determined on in any case; in reality the so-called Revolutionary doctrines are only an extension and restatement of practices long familiar. Contrary to the conventional belief, there is no evidence to show that Rousseau's *Contrat Social* was a force in this period; and the doctrines ascribed to him were really those of Locke, who was the quarry from whom the Revolutionary fathers drew both thoughts and phrases. The one French publicist widely read in America was Montesquieu, whose great contribution was his doctrine of the three co-ordinate departments of government. The eighteenth-century English publicist who had most influence in America was Blackstone, whose *Commentaries*, first published in 1765, soon went through several American editions.[1]

These writings had been for years floating in men's minds. It was the service of the Revolution to furnish a medium in which they might spring up. The purpose of those who favored independence was to show that whatever the nature of the union between Great Britain and the colonies, it was a compact, and therefore could be rescinded by one party if not observed by the other; hence the doctrine of social contract was discussed and restated by a series of Ameri-

[1] On Revolutionary theories, see Merriam, *Am. Political Theories*, 47–55, 74, 89–95; Bryce, *Am. Commonwealth* (ed. of 1901), 29, 281, 282.

can writers. The system can be traced forward from the church covenants in the little Puritan towns; but in the Revolutionary period the whole doctrine was recast, especially by James Otis, who laid down a theory that there was a constitution of the British empire under which the status of the colonies could not be altered without their consent; and then, more distinctly, that this imperial relation was a compact of government. When, in 1774, Patrick Henry exclaimed, in the Continental Congress, "We are in a state of nature, Sir, all America is thrown into one mass," he meant the state of nature portrayed by Locke, which must precede new political organization. When Thomas Paine, in his *Common Sense*, argued that the king had forfeited his authority, he, too, was arguing that a social compact had been broken.[1]

The preliminary of a new compact was the state of nature, with its corresponding body of natural rights; and the Revolutionary statesmen made official lists of those rights. Among them appears that of revolution, which was very distinctly expanded by Jefferson in the Declaration of Independence: it was meant squarely to deny doctrines of non-resistance such as Hobbes set up, and to put revolution on the practical ground of a large body of grievances.

The doctrine of compact asserted that all society

[1] McLaughlin, "Social Compact and Constitutional Construction," in *Am. Hist. Rev.*, V., 467–490 (April, 1900).

was founded on agreement, or, as Jefferson neatly put it, on "the consent of the governed"; this, of course, meant that till that consent was obtained everybody retained all the rights derivable from nature. In order to form society, some of those rights must be given up to make a common stock of rights available under a government; the remainder, still active, were held to be "civil rights," the maintenance of which was the consideration for going into the compact. Inasmuch as Englishmen had a sovereign who had to be accounted for, the old doctrine of compact made out that he was one of the contracting powers, and that the body of the people were the other. Under the new system of republican government, that theory had to be so modified as to make all individuals parties to a compact among themselves.

Strictly speaking, this would have left it within the power of any individual to abjure the compact if he believed that it was no longer observed by his fellows; practically the doctrine was limited at this point by the idea that the compact once formed constituted a sovereign people, in which the minority must accept the decisions of the majority, within the limitations agreed upon; and some machinery short of revolution was needed for deciding whether the compact had been observed.

The purpose of the compact was the protection of the individual, and the theory of the time was that for that protection governments were instituted;

inasmuch as legal rank and privilege discriminated between individuals, they could not exist under the compact. This meant that, besides the traditional equality before the law, there was to be political equality; and hence, although Locke's social compact could be made to fit monarchy, the Revolutionary social compact worked out into the principles of freedom, equality, and self-government, which were so dear to the American people.[1]

Such was the Revolutionary theory of government, which, however abstruse, was direct and practical in the minds of its enouncers; for in the history of mankind there has never been a closer approximation to "the state of nature" than when the old colonial governments crumbled away before the popular rising; and the American desire for a settled form of government neatly phrased in a written document, called for a new satisfaction. Nor have men in a state of nature ever more clearly made compacts with each other than in the Revolutionary congresses, the state legislatures, and the constitutional conventions of the Revolutionary period.

Beginning in 1776, each of the former colonies provided itself with a written constitution, except Rhode Island and Connecticut, which found their colonial charters adequate. The first constitutions

[1] The best discussion of the compact theory in America is McLaughlin, "Social Compact and Constitutional Construction," in *Am. Hist. Rev.*, V., 467–490 (April, 1900); cf. Merriam, *Am. Political Theories*, 27, 47–53, 75–95, 307; Giddings, *Democracy and Empire*, 259–263.

were made by colonial conventions and congresses, and were looked upon as not much more than an ordinary statute; then people accepted the principle that a constitution controlled statutes made under it; then came the idea that such a fundamental document ought to be formed by a special convention; and in 1780 Massachusetts went the one step further by submitting the work of such a special convention to the voters. By this easy and automatic process, which went through all its evolutions within four years, Americans found a way out of the difficulty of making a constitution which should directly express the sovereign will of the people, and therefore be superior to the act of a legislature.[1]

All the early governments were simple, consisting of a legislature, a governor and a few other executive officers, and a small body of judges. The power of the people was exercised chiefly through the legislature, elected, like all the officers, only for short terms. The senates were small and intended to represent property; the lower house was to be the popular body and defender of liberty. In the legislature was vested whatever power was not expressly withheld, or conferred on other parts of the government; for one of the ideals of the time was a dread of executive usurpation.[2]

[1] Cleveland, *Democracy*, 104, 105, 110–113; Shaler, *United States*, II., 485.

[2] Merriam, *Am. Political Theories*, 75–87; Thorpe, *Constitutional Hist. of Am. People*, I., 56–58, 67–87; Goodnow, *Politics and Administration*, 158.

Another safeguard was the doctrine of checks and balances, which Blackstone and Montesquieu were supposed to support, and which corresponded with the actual government in the old colonies, but which was clumsily worked out in the new constitutions. The judges in half the states were elected by the legislature, as were the governors in several cases, and the executive was disjointed and weak.

The Revolutionary theories, on the whole, worked out well in the state governments, which reflected the long experience of the colonies. Their constitutions were brief and general statements of principles, easily applied to concrete cases; they looked after individual rights. The inevitable defect both of state governments and the state constitutions was that they could not provide for the external interests of the states, nor for those common concerns in which they had all been engaged from the beginning of the Revolution.

For these purposes American theories of government had to be applied to a new Federal Constitution. Like the state constitutions, the Federal document took advantage of the prevailing theories rather than created them. Even the familiar compact theory was applied by some minds to the complex system. By using the new method of a special convention, a great impetus was given to the doctrine that constitutions are sacred and solemn instruments. The ratification by especially elected

conventions again called to mind the solemn act of the people, who had it in their power to make or to refuse a constitution. As for the protection of the individual, the Federal Constitution left that to the states: it even took for its voters those whom the state admitted to the suffrage.

The great departure of the Federal Constitution from the state constitutions of the time was in the thoroughness with which the doctrine of checks and balances was applied. Within the defined field of Federal power, Congress had but a portion, and on some subjects the lesser portion, of authority. A strong executive was set up, not chosen by Congress, not responsible to Congress, except by impeachment, and the head of a well-organized hierarchy of executive officers. An independent judiciary was appointed, with a life tenure, with large jurisdiction over Federal affairs and an appeal from state courts, together with an implied power to review both state and national legislation. Not a state in the Union had a government so well organized, so vigorous, and so efficient as that provided by the Federal Constitution.

Between the adoption of the Federal Constitution and 1860, new democratic principles forced their way into public opinion. The first of these is the clear conception of the sovereignty of the people, which covers their right to make and alter their own constitutions, to invoke government for the general welfare, and to distribute their authority in such

manner as may seem to them best. This faith in the sovereignty, one might almost say the infallibility, of the people interested and aroused Tocqueville in the thirties; and he considered that the fundamental American ideals in his time were the absolute authority of the community as expressed by public opinion, of which the will of the majority was the measure; a belief in self-interest as a secret guide to uprightness and public spirit; the inherent right of self-government; and the perfectibility of society through education and through a proper use of the powers of the state. The philosopher thought there was more danger from tyranny than from too much liberty, because, as many observers have since pointed out, the fierceness and rancor of political discussion is followed by a sweet peace when the election is over or the legislature adjourns.[1]

Upon the principle of majority rule a new limitation was placed by the ever-widening scope of state constitutions for both original and newly admitted states; inasmuch as the new documents and the single amendments were virtually an agreement that the hand of the majority should be stayed. The care of the cities was also on the minds of the constitution framers. From 1776 to 1860 more constitutions were drawn up than there were calendar years. The effect was to establish the ideal that a constitution is the place for new legislation, that changes of pub-

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 25, 244, 252–259, 267, 390, 417.

lic sentiment must be registered from time to time in fundamental documents. Constitutions thus grew to be familiar political playthings, and the ease of amendment and the frequency of radical change made them seem not unlike ordinary legislation. As Mr. Roosevelt's colleague put it: "Oh, some unimportant measure, sorr; some local bill or other—a constitutional amendment!" [1]

All the new constitutions after about 1840 withdrew large domains of governmental power, not only from the legislatures, but from all the state authorities; and in organizing new territories Congress often followed the same principle by forbidding the legislatures to make special charters for corporations; and the general laws for incorporation were full of restrictions. The constitutions also laid down norms for the general welfare by prohibiting lotteries, by regulating the sale of liquor, and in many other ways.[2]

Such restrictions, whether political or administrative, would have had very little effect but for the growth of a new principle of government, unknown in colonial times and opposed to English tradition. This was the power of the state courts to establish harmony between constitution and statute by declaring the lower form of the law void if it appeared not to be in accordance with the higher. A few instances of such decisions can be found between 1778

[1] Roosevelt, *Am. Ideals*, 91.

[2] Thorpe, *Constitutional Hist. of Am. People*, II., 131, 183–193, 417–419.

and 1789.[1] In the Federal convention it seems to have been expected that the United States courts would thus deal with state statutes; but it was many years before all the states accepted this authority, whether from Federal courts or their own tribunals. In 1808 an Ohio judge was impeached for declaring a state statute void, and from 1824 to 1830 Kentucky was in an uproar over the same question. In the end the courts triumphed, because it was plain that otherwise the legislatures would escape from the constitutional restrictions; and Americans got into the habit of looking to the judiciary as the protector of the constitutions, the restrainer of the other departments of government, and the palladium of American liberties.

Still another method of keeping legislatures in check was the popular vote on legislative questions, now commonly called the referendum,[2] which first appeared about 1820, in statutes allowing the people of a town or county to decide for itself such questions as the management of public schools, or the spending of money for internal improvements, or the selling of liquor; then it extended to general state questions, such as division into two states, the fixing of a seat of government, the creation of a state debt; then to local and municipal questions of every kind.[3] It

[1] Baldwin, *Am. Judiciary*, 110; Scott, "Holmes *vs.* Walton, The New Jersey Precedent," in *Am. Hist. Rev.*, IV., 456–469 (April, 1899); *The Case of Trevett against Weden* (1787).

[2] Cf. above, p. 88.

[3] Cleveland elaborately analyzes this practice, *Democracy*, 180–241.

was a convenient method of allowing the different parts of the states to manage their local affairs in different ways; but it enabled the legislatures to shove aside their responsibility by applying town-meeting methods to large states; and it carries people further and further away from the old notion of responsible legislators. Another novelty in American government was the election of judges by popular vote, which began about 1800, after 1812 became almost universal in new states, and in 1846 overwhelmed New York.

In colonial times members of the assemblies, selectmen, and county officials were often chosen year after year for a lifetime; but democracy could not admit that government was a profession, and after 1830 it was rare for governors to serve more than two or three terms, and the legislatures changed rapidly. As more and more offices were taken out of the hands of legislatures and city councils and subjected to popular vote, the opportunities for rotation grew, until by 1860 the fact that a man was in office was rather a presumption that he ought not to be re-elected. Many state constitutions forbade the choice of governors for more than a brief number of terms; and by declining to stand for a third term Washington and Jefferson helped to fix that ideal on the national government. The principle of rotation is foreign to the idea that experience in the public service makes a man more useful to the public welfare.

From the rapid change of elective officers it was

a short step to the same principle for appointive officers, whether chosen by a legislature, a state executive official, or a Federal official. The four-years tenure act of 1820, for certain financial officers of the Federal government, went in that direction. Meantime in the northern states, particularly New York and Pennsylvania, all appointive officers were made to walk the plank when a new executive chief came in, and in 1829 rotation reached the national civil service.[1]

Rotation was only one of several evidences that American democracy does not encourage administrative efficiency. What the French call "the government," what the English call "the administration," is little known in the United States. Each commonwealth is a law unto itself in such respects, and not a single one of the states in the Union, hardly a single city, has ever realized the necessity of a completely adjusted executive, in which all the departments are subject to the governor or mayor; not one recognizes the principles of centralized responsibility without which a railroad or an insurance company would go to smash. Local governments might well be subject to organs of state supervision, but the means of enforcing the law are commonly not within the reach of state officials: the usual remedy is the tedious and expensive method of going

[1] Fish, *Civil Service and Patronage* (*Harvard Hist. Studies*, XI.), chaps. iii., iv.; cf. MacDonald, *Jacksonian Democracy* (*Am. Nation*, XV.), chap. iv.

to the courts for injunctions, mandamuses, and other writs, or of starting criminal prosecutions. American democracy does not train up a class of professional public servants, whose long experience should entitle them to the respect of the community, or organize executive power so as to encourage the holders to use it wisely. Tocqueville, in despair, said that "Democracy, carried to its farther limits, is . . . prejudicial to the art of government." [1]

Perhaps the most interesting alteration in American political theory was the breaking up of the theory of a social contract. Discovering that the contract theory fitted ill with Federal government,[2] Calhoun, in the thirties, worked out a new theory, the essence of which was that by "compact" the fathers of the Constitution meant a voluntary agreement between states, each of which was entirely free, sovereign, and independent. Within the state, Calhoun's theory was that there was an organism and not an association; hence no individual could relieve himself from obedience to the state except by revolution. This change of ground shows the tendency of the times to sink abstractions and to find a theory of government which would conveniently fit with what the community wanted.

The political theory of the Civil War turned principally on Federal questions, and the whole tendency

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 207; cf. *ibid.*, I., 53, 65–67, 71, 84–86, 90, 97, 204.

[2] See chap. x., below.

was on both sides still further to discredit a theory of compact and to lay stress on the unity of government. In the new constitutions which followed the war this theory was emphasized. The authority of the state, allegiance to the state, protection of the state — these were the chief interests of publicists. The individual had to look out for himself: during the struggle deprivation of the common civil rights of freedom from arbitrary arrest, from extra-judicial courts, from imprisonment on executive order, was the fate of thousands.[1] The later process of reconstruction left on the minds of the nation the impression that the so-called natural rights were conferred by government and might be taken away.

This tendency showed itself in a new series of limitations on the suffrage. Although eight hundred thousand negroes were added to the electorate, educational qualifications, which had already been enacted for Massachusetts and Connecticut, began to appear elsewhere, and after 1890 were adopted in several southern states as a convenient method of shutting out the negro vote. The last state retaining an absolute property qualification, Rhode Island, dropped it in 1888, but others restored tax qualifications. Another effort to hedge in the majority was proportional representation, enacted in Illinois in 1870, and attempted in Michigan in 1889. The American ideal that a share in the government was the natural right of every adult person was giving place

[1] Rhodes, *United States*, IV., 230–236.

to the view that suffrage was a privilege, which might be conferred and might be taken away as circumstances changed.

The want of confidence in legislatures, already strong, grew after the Civil War, and was strengthened by the excesses of the reconstruction governments and by the corruption at Albany, Harrisburg, and other state capitals. Instead of forums for public discussion, in which members sought to win votes by argument and by appeal to party loyalty and to friendship, both the legislatures and Congress came to be places for registering decisions made outside the legislative hall, sometimes in committee-rooms, very often in the speaker's chamber, too frequently in the office of a political boss, or even in the sanctum of a corporation. Legislatures have ceased to create or concentrate public sentiment; they have become rather a clearing-house for the adjustment of claims and interests; and the speaker of the national House of Representatives in 1890 thanked God that that House was no longer a deliberative body! He felt that a better centre than the House could be found, to decide what bills should be pressed and what repressed, what should come to a vote and what should stick in committee. He had struck the same difficulty that besets state legislatures and city councils—namely, the want of a cabinet in the English sense—a committee of people charged with the executive business of the government, and at the same time framers of legislation;

and he was willing to be a member of an unofficial "steering committee" for that purpose. The impatience with legislatures was reflected in the new state constitutions as they came along, and there were plenty of them. Between 1860 and 1890 72 constitutions were drawn up by 76 conventions, of which 16 were put in force by the conventions, and 49 were ratified on popular vote. The constitution of the state of Oklahoma of 1907 makes a treatise almost as long as this volume, and includes such details as that druggists shall not sell liquor except upon "a bona fide prescription, signed by a practising physician, which prescription shall not be filled more than once." Easy would seem the task of the future legislatures of Oklahoma!

In view of the rapid changes of the last thirty years, it is hard to say precisely what are the present theories of American government, although many able minds are bent upon the problem, and throughout the country a body of reformers are at work trying to arouse public sentiment by appeals to "the American spirit." [1] Certain tacit assumptions may, however, be distinguished which appear to lie somewhere in the back of the mind of the American citizen.

The American no longer believes in the social compact: it does not explain Federal government

[1] For the principal writers on this subject, see "Critical Essay on Authorities," below, chap. xx.; for Bryce's summary of "Ground-Ideas," see Bryce, *Am. Commonwealth* (ed. of 1901), II., 537 et seq.

and does not correspond to the historic growth of American institutions. Everybody recognizes that a spirit of compromise is necessary both for organizing and carrying on government; but what place has the non-voter and the negro, Filipino, or Porto-Rican in any visible political body involving the "consent of the governed."

The theory that government is an organism, that law has a force and a sanction not derived from previous consent, that the state is as old as society and is not formed by society, seems to be unconsciously adopted as the basis of American government; and more and more people tend to accept the conception that all government in America—national, state, municipal, or local—springs from one source, the American people as a whole, who choose to exercise their power through a variety of organizations, none of which is more sovereign than another or sovereign in itself. All the clear-cut theories of organic government are, however, obscured by the ideal of limitation throughout the system, so that no man or body of men exercises full sovereignty upon any object.

Under this influence the old doctrine of checks and balances ought to be still in force; but it is breaking down under the practical necessities of government. For power is not neatly divisible into three separate departments, perhaps not into two provinces of "expression" and "execution." [1] What

[1] Goodnow, *Politics and Administration*, 9.

ever the provisions of constitutions, some sort of understanding must be had between legislatures and governors or presidents, and between executive prosecuting officers and the judges. The legislative power, originally so strong and so unquestioned, is cut down not only by constitutional limitations, by the veto power, and by judicial disallowance of statutes, but by the boss and the steering committee, devices by which a common understanding is sought between those who make the law and those who carry it out. In some southern cities the idea of checks and balances has so far gone into oblivion that a commission of three or five men is made mayor, cabinet, aldermen, common council, and treasurer all in one.

The tendency to unify power is further shown by the growth of the initiative, through which constitutional amendments, or even statutes, can be forced to a popular vote. It is combined with systems for direct primary nominations, under public authority, which are intended to give the people a chance to be heard on nominations as well as on elections. The method of referendum works well on simple propositions, stated separately, but when it comes to questions of detail, and especially to discretion of choice between several methods of doing the same thing, it may be against efficiency in government.

Nevertheless, there must be a machinery of executive and judicial officers, and the conservative spirit of the Americans turns for defence and protection

to a body of officials who by their personal dignity, long terms of office, and large authority may be expected longest to resist cross-currents of public opinion—that is, to the judges. In no country in the world have the courts ever exercised such political powers as in America. Any act of administration may become the basis of a suit in which the courts inquire whether it was an act legally authorized; every official may be subject to criminal prosecution for violations of the law. By their writs and inhibitions they can control the official action of public officers, even to the extent of forcing a board of aldermen to meet and vote an emission of bonds; they declare executive acts unconstitutional or illegal and therefore void; they set aside regularly attested statutes of legislatures and of Congress. That is, by universal acceptance, the ideal has become imbedded in the American mind that the meaning of American government, the authority of law makers and law executors, is to be found ultimately in decisions of the courts. Thus that department of government which in colonial times was weakest has in a century and a half become the accepted tribunal for applying the American theory of government.

CHAPTER VII

LOCAL GOVERNMENT

FROM the foundation of the colonies, and especially during the past century, American social and political life have both been much affected by the presence of two factors in the population—the farmer on his own land and the city dweller. Originally almost all the settlers owned or desired to own farms—even if they also owned a town lot; for they were accustomed to think of freehold land as the condition of the suffrage and the source of pride and consequence. Of land, plenty was to be had; astonishing was the freedom with which the continent of North America was parcelled out to colonizing corporations, to court favorites like Albemarle, to proprietors like Lord Baltimore and William Penn; and it rapidly slipped through the fingers of those holders into the hands of the farmers.

The distribution of land in the South was favorable to large estates: Colonel William Byrd had many plantations, and George Washington, as a modest soldier and planter, became the owner of seventy thousand acres. New England was commonly settled by communities, to which were assigned tracts of

land, which they subdivided among themselves, giving everybody a house lot and an outlying farm, and leaving small areas undivided to be held in common. The parcelling out of land was made easier by a system of transfer simpler, cheaper, and more secure than the world had ever known before; the principle being that deeds must be recorded in a public office where title could be traced.[1] On the other hand, primogeniture obtained only in a few southern colonies, so that elsewhere estates were likely to be divided up, and the consequent number of land-holders had a strong effect on the growth of democracy.

The usual unit of colonial country life was the farm, which throughout the South and on the frontiers of other colonies was a lonely place, exposed to wild animals and to savages.[2] The life was one of poverty and hard labor. Building material was plenty, and in fifteen or twenty days two men quick with their axes could put up a habitable log-house, at the big fireplace of which the family was warmed, the dinner was cooked, and the little children dressed. The furniture was rude, often hewn out by the axe—sometimes nothing more than a rough table, a few seats, and some cooking utensils. Such frontier farmers had to supply most of their own wants: the men dressed in deer-skins; or they grew their own wool, and the women spun it, wove it, dyed it, and cut it

[1] Beale, "Registration of Title to Lands" (*Harvard Law Review*), VI., 369–377. [2] *Hamilton's Itinerarium*, 67, 76.

into homespun garments. They grew their own food, chiefly "hog and hominy"; soap and candles were manufactured on the spot; and from year's end to year's end they needed to buy only powder and shot, a new gun, or some of the imported luxuries, such as India cotton "calimancoes," "oznabrigs" linen, or "paduasoys," as the Italian silks were called. Their very isolation led them to act in common: all the neighbors came together for the "house raising," of big framed timbers; and they lent and borrowed food and necessities from one another, including the fire that sometimes had to be carried several miles to rekindle the hearth of a settler. In government they developed, especially in the South, a county system, in which the principal men of the region acted as legislature, executive, and court for local matters.[1] Such self-sufficing people are still to be found in the southern mountains, which are remote islands of colonial life.[2]

It is remarkable that, outside of Canada,[3] the feudal system nowhere took root in America, though the Baltimores created manors and held courts leet and baron; and Locke's Fundamental Constitutions for the Carolinas set up an impossible machinery of landgraves, caciques, and tenants. Eventually the great plantations came to resemble the landed es-

[1] Hart, *Practical Essays on Am. Government*, No. 7.
[2] Shaler, *Nature and Man*, 243, 260.
[3] Munro, *The Seigniorial System in Canada* (*Harvard Hist. Studies*, XIII.)

tates of Europe, with slaves instead of serfs. The enemy of such a system was the spirit of self-government, especially strong in New England, where the farmers were for the most part gathered in compact villages—a type found also on the Hudson and in Pennsylvania. On the coast and even on the frontier grew up such trading towns as Fort Orange on the Hudson, St. Louis on the Mississippi, and Detroit near Lake Erie. The New England town was founded for and grouped about the church, which was the club-house of the time. But the glory of the New England town was its town-meeting,[1] a combination of neighborhood, society, caucus, legislature, and council meeting. This was the most successful political institution of the time, served as a practice school in debate and a nursery for American statesmen, and is still vigorous in many New England towns.

Rural America, after all, seemed not quite natural to its own people, because they came from a country in which there were cities of great antiquity, with charters and privileges and members of Parliament; and some early efforts were made to found cities in the colonies: Agamenticus, now York, Maine, was incorporated; the county of Charles City, Virginia, is to this day the memorial of an attempt to found

[1] Hart, *Practical Essays on Am. Government*, No. 6; for the English precedent, see Cheyney, *European Background* (*Am. Nation*, I.), chap. xvi.; Channing, *Town and County Government* (*Johns Hopkins Univ. Studies*, II., No. 10).

a city there; and New York, Albany, and Philadelphia received city charters.[1] In the eighteenth century several respectable commercial towns grew up along the coast, especially Salem, Boston, Newport, New Haven, New York, Philadelphia, and Charleston; but Boston, the largest of them all, had nothing but the regular town government; and none of them developed any such city life and civic pride as the contemporary English towns.

At the time of the Revolution, and for half a century thereafter, the typical American was the farmer, of whom Hector St. John Crevecœur, in 1782, said: "The American is a new man, who acts on new principles; he must therefore entertain new ideas, and form new opinions." [2] In one or the other of the three types of renter of another man's farm, independent farm proprietor, or gentleman owner of an estate, the farmers till 1860 were always the dominant element. In New England the village type continued: the New England farmer was well housed, had what he thought were good schools, cultivated various crops, including grain, raised some cattle, and kept alive his local government, of which Jefferson said, apropos of the repeal of the embargo in 1809: "I felt the foundations of the government shaken under my feet by the New England townships." [3]

[1] Fairlie, *Municipal Administration*, 72–77.
[2] Hart, *Source Book*, 163.
[3] Jefferson, *Works* (Washington ed.), VI., 544.

The first foreign observer to describe the strength of the town was Tocqueville, who thought it one of the chief causes of their national success.[1] The middle states farmers, including the descendants of the Dutch and Germans, had richer land, greater plenty, and less activity of mind. Central and western New York were peopled chiefly from New England, and resembled that source. As time passed, populous cities grew up inland and helped to furnish a market for farm products. Many of the southern farmers in the border states were independent and well-to-do, working hard with their own hands; they long raised grain for the export market; and, except for slave labor, the region differed little from the middle states. Farther south the two types were the plantation owner, large or small, raising cotton and some food for his slaves,[2] and the poor white, living miserably on his poor land.

The novelty in country life, from 1775 to 1860, was the development of the West, in which many of the colonial conditions were repeated.[3] Here was your true democracy, your genuine equality, in which everybody was of the same racial stock as his neighbor, and had about the same property. The western farmer could always reach a good market by floating down-hill to the Gulf of Mexico, or by following the Erie Canal to the seaboard. It was easy to make a

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 87, 91.
[2] Hart, *Contemporaries*, III., chap. iii.
[3] Turner, *New West* (*Am. Nation*, XIV.), 84–92.

living in the West; it was easy to get ahead. People from New England, the middle colonies, and the South flowed together to form neighboring or joint communities, and thus varied the colonial farmer type. This mixed population produced interesting combinations of local government: Michigan, settled largely by New England people, set up the town-meeting; in Illinois, first reached by southerners, the county system was established in 1818, and later an option was allowed between town and county. After 1845 the state constitutions began to contain provisions for town and county government.

In the West are most clearly seen the political influence of the farmer: not only such subjects as inheritance of property, land transfer, mortgages, and internal communication, but all the operations of government were controlled by his vote in some form. For instance, no protective tariff could have been passed except by the aid of the western farmers; the farmers in general disliked and distrusted banks, and the second United States Bank accordingly ceased to be in 1836. In the South the planters and their interests were everywhere decisive, and this influence passed over into national affairs: northern farmers disliked the idea of competition with slave-owners, and for that reason thousands of them became abolitionists. In 1860 the rural population in the United States was five-sixths of the whole, and the farmer was still in the saddle.

All the time from the Revolution to 1860 rival

interests of many kinds grew up which tended to the building of cities. The faster the means of communication were enlarged, the more business there was for the merchant and the middleman. Mining of fuels and of metals sprang up in many parts of the country, and manufactures created new centres of population. The sites of all the great cities of the future were marked out by 1860, and the period was one of city building on a great scale.[1] In 1790 three per cent. of the people lived in towns of more than eight thousand inhabitants; in 1860, sixteen per cent. These cities were unequally distributed, for almost the whole of the urban population was to be found in a belt running from the New England coast westward to Illinois. The growth of urban population and urban spirit was shown by the necessity for city charters, between 1815 and 1836, for Detroit, Cincinnati, Louisville, Buffalo, and Cleveland.[2] New York did not become the first city of the Union until 1820, but in 1860 showed 500,000 people, and there were eight other cities of above 100,000.

Such masses of population called for services previously unknown. A fire in New York City in 1835 caused a loss of twenty million dollars, and hastened the building of the Croton aqueduct; streets had to be paved; some sort of sewers had to be laid; to

[1] Hart, *Practical Essays on Am. Government*, No. 8.

[2] Weber, *Growth of Cities in the Nineteenth Century* (*Columbia Univ. Studies*, XI.).

handle the people, street railroads were introduced in 1845; schools had to be multiplied; and for keeping peace and order, in 1859 the first uniformed and disciplined police force was created in the New York metropolitan system. The setting up of city governments was a clumsy process, which was carried out by representatives of rural communities. Not till 1822 did Boston forsake a town-meeting in which eight thousand men had a right to attend. City charters were granted by legislatures in a hap-hazard fashion, and it took a long time to find out that cities pulled awry the old-fashioned state governments, and had needs of their own which legislatures could not care for.

Not till about 1854 did any state lay down in its constitution principles of city government, which the legislatures must follow. Inasmuch as New England town governments had a town-meeting and a board of selectmen, the New England charters provided a large common council and a small board of aldermen, who had nearly all the powers of government and constructed a disjointed and ineffective executive out of committees of one or the other body. The mayor (in some cases, especially in the middle states, appointed by the governor) occupied a place of such dignity that DeWitt Clinton resigned a senatorship of the United States in order to become mayor of New York; he now became everywhere subject to popular election, and received larger powers, including a veto on the city legislature; but alongside

of him grew up heads of separate executive departments, not responsible to him, who divided and confused the government. Political spirit ran high, and the state and national parties soon reached into the cities and befogged the issues of straightforward government. Meanwhile, the abuse of delegated power caused the charter makers to limit the power of the city councils; and, beyond this, the legislatures had a habit of dipping into city affairs. The political instinct which served the people well in their state governments, and better in their national affairs, seemed to have failed when applied to the cities.

This was only the beginning of trouble; for during and after the Civil War the cities increased in number, in population, in complexity, and in bad government. From 1860 to 1900 their number rose from 141 to 545; the urban population from 5,000,000 to 25,000,000; and hardly one of those 545 communities has been governed from decade to decade with prudence, forethought, and economy. In 1910 the urban population will be nearly half of the whole; so that the balance of power is passing from the countryman to the townsman.

For this change of conditions and political influence there are many reasons. Farm machinery and cheap transportation make it possible to feed the population with less farm labor. The enormous development of such industries as mining and transportation have built up a population of millions,

which has interests very different from those of the farmer. Modern manufactures and division of labor have created great bodies of operatives who are usually not in accord with the farmer. All the great cities are manufacturing as well as commercial, and contain large classes of operatives and of small shopkeepers, clerks, and professional people. The cities draw to them the cream of the farms, the villages, and the small towns; and city populations have little acquaintance with the rural regions. In fact, many of the great cities, such as Boston, New York, Philadelphia, Baltimore, Detroit, and Chicago, are brought into unfriendly relations with the farmers in their own state, who, through their representatives, make the decisions on city governments.

In many ways these modern cities are different from those of a half-century ago. Their population is varied in race and origin: New York has more Europeans than St. Petersburg; more Russian Jews than Kishinev; more Germans than Frankfort-on-the-Main; more Irish than Dublin; more Italians than Messina. Inside the cities such rapid changes take place that it is almost impossible to find a Bostonian living in the house occupied by his grandfather. Immense suburbs surround the large cities, filled with people who lead a double existence, their business interests in one place, their homes in another. In few cities is there a strong feeling of civic pride and attachment.

At the same time the cares and the expense of

city government steadily increase. A prodigious wealth is concentrated into cities which often carry the greater part of the burden of state government. The sum of municipal debts is now larger than the debt of the United States; and the assessment of New York City—six and a half billions—is greater than that of all the states and territories west of the Missouri River and Texas. A new series of problems is constantly coming upon these urban communities: they must educate their children, who increase faster than the capacity of the school buildings; they must see that people are carried back and forth; they must regulate street lighting, provide for drainage, establish parks and boulevards for the health and delight of the people; and make a score of provisions for the public welfare undreamed by former generations.

In the attempt to meet these new conditions, great changes have come about in the type of city government; charters are subject to detailed restrictions in the state constitution or general statutes, though the legislatures still alter and often injure the city governments by special statutes. From 1874 to 1890 there were a hundred and fifty state acts altering the street plans in one district of New York City.[1] City charters follow in the same general direction as in the earlier period, by diminishing the prestige of the city legislature. In New York City the board of aldermen has no longer any serious

[1] Breen, *Thirty Years of New York Politics*, 728.

functions except the granting of franchises, in which it is checked or overruled by the board of estimates, composed of executive officers, which also appropriates money and votes the necessary taxes.

The corresponding tendency is to exalt the authority of the city executive: the power of the mayor is strengthened, and he is made to stand in the public mind as the authority from whom proceeds good or bad government. In a few cities, particularly New York and Philadelphia, the mayor has authority to appoint, supervise, and remove many of the executive officials; but usually there still prevails the pernicious system of unrelated executive boards on the model of the bad organization of the states. When the minor officials are put on a civil service basis they begin to form bureaucracies, of which the New York City police are the worst examples.[1] In many cities, elective and appointive officials alike are too often ignorant men with no special fitness for their duties: the head of a great water service may be a man expert only in the arts of securing votes. That there are any national ideals of city government seems questionable, since city after city has fallen literally into the hands of robbers, such as the Tweed Ring in New York from 1868 to 1871, and the mayor and supervisors of San Francisco in 1906. Some pessimists have gone so far as to say

[1] On city government in general, Schouler, *Constitutional Studies*, 301, 302; Fairlie, *Municipal Administration*, chap. viii.; Goodnow, *Politics and Administration*, 123.

that in the American cities the criminal classes are in control.[1]

This is too dark a picture, for there are many ways in which city governments enlarge and fortify American ideals. In all the American cities except in Rhode Island, the city suffrage is the same as that of the state, so that the new-comer and the immigrant can take his part in his own government. The theory of political equality is ever renewed in the cities, so much so that some observers look upon them as places where the rich are governed by the poor.[2] The great affairs of the cities also, and their enormous public works, feed the American's interest in and fondness for big things; he is attracted by a problem which as yet he has not been able to solve.

On the other side, the city weakens the ideals of state governments, and is tangled up with national affairs. The problems of city government accumulate so fast and are of so many kinds that municipal affairs are like the streets—irregular, unfinished, and quickly out of repair. In the midst of the crush and worry and uncertainty of city life, it is hard to maintain the old standards of democracy. Still there is an encouraging tendency of city dwellers to fix their minds on their local problem as things aside from state and national interests; to choose their mayors and to settle their questions upon their own merits.

By a reaction, country life again asserts its rival

[1] Godkin, *Problems*, 124–128, 133. [2] *Ibid.*, 195.

ideals on those who can revive the rural and suburban habits of an earlier generation.[1] The commuter who shuttles back and forth morning and night cures his city by leaving it; and every new line of rapid transit removes some of the crowding which makes city governments difficult. A generation ago, thousands of good people found a summer happiness on the piazza of a hotel. Now the cottager looks down on the "transient" and aspires to be the owner of an "estate." This return to the country, which is much aided by the fact that personal taxes are lighter there, weakens city government by taking out some of those who ought to be the best citizens; but in return the country feeds the municipality;[2] the excitement of the city draws in hundreds of thousands from outside. The conditions of country life are improving. The farmer no longer tries to do everything for himself: he subdivides labor, uses machinery, sends his milk to a creamery and his beets to a sugar works. Free delivery brings him the daily paper, the trolley carries his wife to her shopping in the country town, and the telephone interests his children. If country life can have the conveniences of the city and can be brought within easy reach of its amusements and its life, the current cityward may be stayed. Nevertheless, the farmer is still far from feeling kinship or mutual interest with the city man. He has a strong feeling that he does not get his share of the national

[1] Eliot, *Am. Contributions to Civilization*, 138–146.
[2] Giddings, *Democracy and Empire*, 172.

wealth; hence, Farmers' Alliances and Populist parties, anti-corporation legislation, free silver movements, and all the other evidences of a continued political rivalry between the country and the city.

CHAPTER VIII

FEDERAL GOVERNMENT

THE completest, most successful, and most world-inspiring American ideal of government is that, without danger to individual liberty, without sacrificing local self-government, and without weakening authority, a vigorous federal government may be created. All governments are federal in the sense that some things are done in a national way and some things in a provincial way: the Roman pro-consuls had authority different in exercise from that of the emperor. The idea that national and local power might also be different in kind and origin can be traced back to the classic example of the Achæan League; it was revived in the city leagues of the Middle Ages; it was worked out in the three modern federations, the Holy Roman Empire, the Swiss Confederation, and the United Netherlands.[1] Yet the United States of America was built up on foundations independent of all these earlier experiments and successes.

The American colonies were from the first fed-

[1] Hart, *Introduction to the Study of Federal Government*, chaps. ii., iii.

erated in the sense that, though each had its own government, they were all in a brotherhood, because they had the same language, the same law, the same religion, the same race stock, the same origin. They had also joint interests and dangers: they united to make war on or to repel the Indians; they were associated in joint expeditions against the French and Spanish.[1]

Above this unofficial association stood what was practically a federation between the kingdom of Great Britain and the British colonies in North America. The general authority in this combination was the Crown of Great Britain, who made the grants and fixed the boundaries of the colonies; through the lords of trade instructed the governors and reviewed legislation; through the privy council took appeals from the colonial courts; and through the royal veto power kept the colonial legislation in harmony. The colonies accepted this general government, which they influenced through remonstrance and through their agents in London; and they came to have a distinct theory of an organic union, the constitution of an empire. But when attempts were made, just before the Revolution, to bind them by acts of Parliament, they insisted that there was no federal legislature for them.[2]

[1] Cf. chap. xviii., below.

[2] Cf. Merriam, *Am. Political Theories*, 43, 46; Greene, *Provincial America*, chaps. i.–v., xi.; Howard, *Preliminaries of the Revolution*, chap. iii. (*Am. Nation*, VI., VIII.).

Nor was the colonial ideal of federation all theory. From 1643 to 1684 four of the colonies lived under a federal constitution called "The Articles of Confederation for the United Colonies of New England, which carried on common military operations, interested itself in the general welfare of the colonies, and even went through a constitutional crisis during which Massachusetts formally refused to perform her federal obligations.[1] Long after that confederation ceased to be, the idea of colonial union was still in the air. Formal plans were drawn up by William Penn in 1696, by Benjamin Franklin and by the lords of trade in 1754. In the Stamp Act Congress of 1765 nine colonies sent representatives to New York to debate common concerns; and in 1774 twelve colonies united in the First Continental Congress.[2]

At the beginning of the Revolution, therefore, Americans were familiar with the division of powers between inferior and superior kinds of government; but they had no federal theory and a scanty federal experience: the relation which was built up between the colonies through the Continental Congress must necessarily be the foundation for any organic union. Here comes in the practical spirit of the race, which for a new structure always likes to use old materials. The colonists claimed that they were the only people who still stood by the real theory of the empire,

[1] *Am. Hist. Leaflets*, No. 7; Tyler, *England in America* (*Am. Nation*, IV.), chap. xviii. [2] *Am. Hist. Leaflets*, No. 14.

under which had been exercised by England for the general welfare a body of powers, such as war, coinage and currency, foreign relations and treaties, Indian affairs, grants of wild territory, settlement of boundaries, and regulation of intercolonial and external commerce. A few days after the war broke out, the Second Continental Congress met, May 10, 1775, and at once became a central agency for carrying on the struggle: within a few weeks of its beginning it was raising armies, making rules for naval warfare, commissioning privateers, appointing general officers, borrowing money, issuing paper notes, forbidding or restraining foreign commerce, dealing with the Indians, and in general taking up the authority which had fallen from the hands of the British government.

What was the status of the colonies, which from July 4, 1776, called themselves states? Certainly not that of provinces; certainly not that of independent nations. What though Connecticut, Massachusetts, and New Hampshire did speak of themselves as "sovereign," what though Virginia made some attempt to negotiate with Spain, what though all the states issued paper money? The question of sovereignty is one of hard fact; and the fact is that under the pressure of military necessity, all the thirteen states did acquiesce in the acts of sovereignty performed by the Continental Congress; there was a genuine federal government, though acting without a constitution and devoid of a theory upon

which to rest.[1] The intention of Americans to remain under a common government is shown by a draught for a federal constitution, submitted by Benjamin Franklin in 1775, worked over in detail by a committee which reported in 1776, completed by Congress in 1777, ratified by all the state legislatures, and formally put into effect in 1781: thus in less than six years was framed, ordained, and set in motion the most elaborate federal constitution that the world up to that time had known. Yet the Articles of Confederation were nothing but a statement of the experiences of the colonies, of the imperial union with England, and of the Continental Congress. In his draught of 1775, Benjamin Franklin borrowed from the text of the New England Confederation the title, the order of his paragraphs, and many significant phrases.[2]

The Confederation was a clumsy government, something like Parliament in combining legislative and executive functions; but it came much nearer serving what the Americans thought their vital interests than the previous imperial system. The Confederation declined after the peace of 1782; but the nation progressed in population, in commerce, in wealth, in the sentiment of a national interest. The Confederation was the propylon of the federal temple.

[1] Cf. Van Tyne, *Am. Revolution* (*Am. Nation*, IX.), chaps. ix., xi.; Thorpe, *Constitutional Hist.*, I., 55, 72, 162–165.

[2] *Am. Hist. Leaflets*, Nos. 7, 20; cf. McLaughlin, *Confederation and Constitution* (*Am. Nation*, X.), chap. iii.

In 1787 came the critical year when both Congress and the state governments seemed undergoing dry rot; and yet the Federal Convention produced a frame of government which ran the severe ordeal of ratification by thirteen state conventions. Everybody knows how the Constitution was made; textbooks reprint it, and school-children learn it by heart; a score of elaborate commentaries have been written on it; its debates are a quarry for publicists. In reality, Madison's abstracts of speeches, some other manuscript notes, a few journals and private letters, and the hail-storm of controversial pamphlets that followed, really tell us little as to what was the theory of the Constitution framers. The truth is, the convention had no definite theory; it was an opportunist body, which strongly desired to make the Union stronger, and at the same time to avoid setting up stresses which might in the end rend it apart.

The Constitution was far from being what Gladstone thought it, "the greatest work ever struck off at any one time by the brain and purpose of man"; it was far from being, as John Adams said it was, "extorted by grinding necessity from a reluctant people." The Constitution is simply an application of the experience of Americans in the work of government. Madison had painfully read and abstracted such books as he could find on the history of European confederation; but not a line of the Constitution seems to be taken from their experience. It is much more significant that Rufus

King made with his own hand a copy of the New England Confederation; that John Langdon had been chief magistrate of the state of New Hampshire; that David Brierly was chief-justice of New Jersey; that John Dickinson had been chairman of the committee on draughting a confederation; that Benjamin Franklin had been president of the Pennsylvania constitutional convention of 1776; that Alexander Hamilton and James Madison had been members of the Congress of the Confederation. For the warp of the Constitution is the experience of the colonies and later states; and its woof is the experience of the Continental Congress and the Confederation.[1] With the exception of the method of electing the president, there is not a clause of the Constitution which cannot be traced back to English statutes of liberty, colonial charters, state constitutions, the Articles of Confederation, votes of Congress, or the unwritten practice of some of these forms of government.

In the text of the Federal Constitution no theory of the purpose or nature of government is stated, other than that it was intended "to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings

[1] J. H. Robinson, *Original and Derived Features of the U. S. Constitution;* S. G. Fisher, *Evolution of the Constitution;* C. E. Stevens, *Sources of the Constitution;* Mabel Hill, *Liberty Documents*, chap. xvii.; W. N. Meigs, *Growth of the Constitution*, 322.

of Liberty to ourselves and our Posterity"; but these were the objects also of the state governments. What was the theoretical basis of the Union? The fashionable governmental theory was that of the social compact, and nobody questioned that individuals might unite to make a government, which would then have the power through a majority to make laws binding the minority; but what was there in the process of the draughting or the ratification of the Constitution to support the doctrine that the people of the United States were consciously associating themselves for the purpose of emerging from a state of nature into organized government? They were already organized in states.

The way out was to argue that communities might also be in a state of nature, and might compact with each other to form a federation. McLaughlin, whose critical examination of this question leaves little to be discovered,[1] finds many contemporary uses of the term "compact": some people referred to the federal government as a compact of individuals; some, as Hamilton and Luther Martin, as a compact of states; James Wilson pushed the theory to its legitimate consequence, that, as in every other social compact, compacting states give up part of their pre-existing rights. Allowing that the Constitution was a compact of either kind, did the fathers think it indissoluble? The Revolution proceeded on the

[1] "Social Compacts and Constitutional Construction" (*Am. Hist. Rev.*, V., 467–490, April, 1900.)

basis that compacts could be dissolved by a breach by one party, though it might require revolutionary and violent methods; and the hesitation of some of the states to ratify the Constitution suggests that they thought they were entering into a relation which was binding upon them. Was the United States a party to the compact? The old doctrine of Locke made the personal sovereign a party, and his people another party;[1] but that was a roundabout method of making a sovereign fit into a theory of government by consent. Such an idea went hand in hand with that of divisible sovereignty, and was unfavorable to state sovereignty. Was there a compact between all the people of the United States for federal purposes? Chief-Justice Jay held in 1793 that "the Constitution of the United States is likewise a compact made by the people of the United States"; but in that case, what was the status of the state governments? Could the same political people enter into two compacts at once?

The fathers did not analyze their own theories; but James Wilson saw the difficulty and seems to have conceived the great principle that the federal and state constitutions were really one. If so, in adopting it through the state conventions, the people of each state thereby consented that their own constitution should be amended in so far as it was in conflict with the Federal Constitution; so that the people of North Carolina participated in mak-

[1] See chap. vi., above.

ing the constitution of Massachusetts, and the people of Massachusetts took part in amending the fundamental instrument of New York.

The political ideal which stands out most distinctly in the Federal Constitution is that of division of powers. Within the federal government the term meant the familiar "checks and balances," which, however, was applied for the first time in American federation. John Adams, who loved political refinement, figured out eight different kinds of checks and balances within the federal system.[1] That federal government could be orderly, neatly adjusted, and effective was a new thing in human experience. Among Adams's eight balances was the principle—sometimes called division of powers, sometimes distribution of powers—by which the authority of the states and that of the nation were separated. Here again a great practical step was taken in the government of mankind. The principle of the British empire had been that all powers remained in the central government, unless it could be affirmatively shown by charters or acknowledged custom that they might be exercised by the subordinate colonial governments. The theory of the Confederation, like that of the contemporary Swiss Confederation, was that the states retained all powers which were not by the terms of the constitutional document delegated to the general government. The Constitution of 1787 retained that principle, but on one side listed

[1] J. Adams, *Works*, VI., 467.

within the federal province such powers over revenue, commerce, currency, post-offices, war, and territory as assured it of national life; and on the other hand in terms restricted the states. There was even a small domain, as for example export duties, within which neither government had authority. In the particular division of powers the wisdom of the convention showed itself: for those given to the federal government included almost every one that had been exercised by Great Britain before the Revolution, including the right to levy indirect taxes, which had been denied to the Confederation; and on the other hand to the states were left substantially all the powers they had enjoyed as colonies, with some additions.

Though the Constitution contained almost no novelty, it did apply to federation some principles which it had been supposed would not work except in unitary governments. For instance, the federal laws and taxes were to act directly on the individual, without reference to the states. The choice of the federal executive was taken out of the hands both of the legislative body and of the people. Above all, a system of federal courts was instituted, the first effective bodies of the kind in history; through which not only was the law of the Union to be carried out, but the laws and the jurisprudence of the states to be reduced to harmony with the Federal Constitution. These were the daring experiments of the new system; and within a few years each of them so

justified itself that there set in what Von Holst calls "the worship of the Constitution." During a century and a quarter hardly any one has questioned the wisdom of the Constitution or demanded a serious alteration; and a foreign statesman says of it: "It ranks above every other written constitution for the intrinsic excellence of its scheme, its adaptation to the circumstances of the people, the simplicity, brevity, and precision of its language, its judicious mixture of definiteness in principle with elasticity in details." [1]

The worship of the Constitution did not mean that all people looked at it alike, or that there was no longer dissension among the American people. The country was too vast, its interests too diverse, its progress too unequal, its conceptions too conflicting, to make perfect concord possible; but each political party, each section, each school of political thought, appealed to the Constitution as the defender of its interests. In the forty years from 1787 to 1827, two diverse schools of constitutional interpretation shaped themselves. If the brief and bare list of federal powers were narrowly interpreted, the national government after all would be weak; hence it was always to the interest of those who thought those interests jeopardized by federal action to interpret the Constitution narrowly. The only way out was for the federal government to deny that it was confined to the express grants in the Constitu-

[1] Bryce, *Am. Commonwealth* (ed. of 1901), I., 28.

tion, and to claim authority because implied in the letter of the granted powers; and furthermore to choose for itself between two possible methods of doing a thing. For instance, the power to provide and maintain a navy implied the power to set up a naval force, with gradations of rank; and further to provide a navy, either by building vessels at government yards, or by contracting for them.

Nobody ever seriously denied that there are some implied powers: the critical question is, how far do they extend, and to what degree may the federal government in its discretion use agencies which are not essential for its purposes? This question was tested first in the charter of the United States Bank in 1791; pushed to an unreasonable point in the alien and sedition acts of 1798, and in the embargo of 1807; severely tested and triumphant in the annexation of Louisiana in 1803; and affirmed in a series of brilliant decisions by the Supreme Court between 1809 and 1835. The only large domain in which it was invoked and for the time given up was that of internal improvements. By 1816 the principle of implied powers became an unquestioned national ideal.

Notwithstanding the clear-cut ideal of written constitutions, both in state and national government, practices grew up which time has consecrated into political principles. Such are the power of the speaker, both in state legislatures and in the national House of Representatives; the obligation of a presidential elector to vote for a particular candidate;

and the power of the president to remove officials appointed with the consent of the Senate. These are not constitutional in the usual American phrase, but help to make up the Constitution in the English sense—that is, they are part of a body of recognized governmental usages.

During the first forty years of the federal government, the fundamental question of the division between state and national powers was left unsettled. The doctrine of implied powers affirmed national authority and so far forth limited the states; but it did not reach to the underlying issue of state rights. In the Virginia and Kentucky resolutions of 1798 and 1799, the principle of *ultra vires* was applied to Congress, in that, without any recourse to the courts, a state might, as a tribunal in itself, declare a federal statute null, void, and no law, because beyond powers constitutionally delegated. In the debates on the annexation of Louisiana, some ardent Federalists insisted that the national government was a partnership, into which no new member could be introduced without unanimous consent; and from that time to 1814 at intervals the New-Englanders insisted that the states had rights which they could assert even against the Union. These were all opportunist arguments, each section in turn trying to stave off unpleasant legislation, and each in turn forgetting its principles when it had control of the federal government. On the whole, the federal idea was much stronger in 1829 than in 1789.

The next thirty years was a period of unceasing controversy over the nature of the federal government, in the course of which the sense of nationality was blunted. As before, the cause of the discussion was a concrete policy which was urged by the party or section in power, to resist which states rights were invoked. The first group of questions was economic —the tariff, a bank, and internal improvement; the second was territorial—the annexation of new areas; the third and dominant issue was slavery. Against a tariff, against federal restrictions on territory, against any federal interference with slavery, the great champion of states rights, John C. Calhoun, forged his keenest weapons. In his Exposition of 1828, his debates of 1833 with Webster, and his later speeches, he wrought a federal, or rather a confederation, theory intended to restrain the general government. The Achilles for this Hector was Daniel Webster, who, in his speeches against Hayne in 1830 and against Calhoun in 1833, maintained the sovereignty of the Union.[1]

As has been shown in a previous chapter,[2] Calhoun abandoned the old compact theory and particularly the doctrine of divisible sovereignty, which had been commonly accepted as a rational explanation of the national Constitution. To him the Constitution was a compact composed solely of states, to

[1] *Am. Hist. Leaflets*, No. 30; cf. Turner, *New West*, 54–56; MacDonald, *Jacksonian Democracy*, chap. vi. (*Am. Nation*, XIV., XV.).

[2] See chap. vi., above.

which the federal government was no party, and which was revocable, if any infraction could be discovered, by any of the party-states. In 1849 he even turned his back on the whole theory of compact. This logical fabric was not the amusement of Calhoun; he set it up to block a protective tariff, he worked out the details of his system in what he called the theory of nullification, which was an effort to secure the advantages of state sovereignty without putting that sovereignty to the proof. Nullification was substantially a doctrine of minority rights, under which an act of Congress might be suspended till three-fourths of the states approved it, by what Calhoun called "a concurrent majority." What would happen if the complaining state was still dissatisfied, Calhoun did not say distinctly; but the logic of his system led straight to secession, if and when any state in the Union through a convention declared that other states had violated their federal obligation. The device worked for the time being, for the high tariff was suspended by the compromise of 1833. The effect upon the public mind is reflected in Tocqueville, who came along just at this time, and who in many passages says frankly that the federal government is weaker than the states and cannot afford to raise an issue with them.[1]

The counter theory was that the federal government, like any other real government, was not a

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 54, 136, 381–402 passim.

compact but an organism; that government is in its nature a thing which, as far back as it can be recognized at all, has positive power; which can be overthrown only by revolution; and to which men owe allegiance without any positive consent, because they were born into a society in which government existed. The two chief apostles of this theory were Webster, who popularized it in his speeches, and Joseph Story, who in his *Commentaries on the Constitution*, published in 1833, worked out a lucid and consistent system, which had enormous influence on the minds of northern lawyers and publicists. They denied the doctrine of compact, not only for the Union, but in the state governments. Their logic inevitably led to the denial that there were natural rights preceding and irrespective of the state. They, like Calhoun, denied divisibility of sovereignty; and, unlike him, insisted that the sole sovereignty was national. Thus the convenient notion that the powers of government had been put into two separate parcels by the adoption of the Federal Constitution suffered a severe shock, although it by no means died out of political literature. The result was that, instead of an elastic ideal under which state rights and nationality could both find protection because either might accord with some form of compact, was substituted the mutually destructive ideals of state and national sovereignty.[1]

[1] For other authorities upon this subject, especially Francis Lieber, see Merriam, *Am. Political Theories*, 305–327.

Perhaps these rival ideals would have earlier come into collision but for the dying out of the economic questions which first caused them to be started. The crisis was postponed till the secession of 1861; though even then, as in 1833, the object of the advocates of state rights was not to prove a doctrine, but to protect a material interest. In the whirlwind of war the logic of secession was obscured, although clearly enough stated in the arguments of the time.[1] To the southern leaders secession seemed an impregnable doctrine which may be summarized as follows: it was necessary to withdraw from the Union; they might have appealed to the right of revolution, but preferred to rest on a constitutional right, evidently foreseen by the framers of the Constitution, and innate in any proper theory of federal government; and an attempt to detain them by force would be a violation of the Constitution. Of course it was necessary to override the small number of Union men within the seceding states; and in the new Confederate government the exigencies of the war caused state rights to be almost ignored; but that was an internal matter. Their concern was to establish such a case for the ideal of secession that to resist it would seem to the world an act of aggression.

In this crisis the doctrine of national sovereignty,

[1] *E. g.*, Davis, *Rise and Fall of the Confederate Government;* Stephens, *War Between the States;* P. C. Centz (pseudonym), *Republic of Republics;* Hart, *Contemporaries*, IV., Nos. 53, 57.

based on the ideal that government is an organic unit, for which Webster and Story and Lieber and a hundred others had been preparing the way, forthwith occupied the field. Civil war must have come, whatever the nature of the Constitution; but the appeal to national loyalty was an immense unifying influence in the North. The spokesman of that time was Abraham Lincoln, who in his first inaugural address, March 4, 1861, declared that "in contemplation of universal law and of the Constitution the Union of these states is perpetual . . . the central idea of secession is the essence of anarchy . . . the states have their status in the Union and they have no other legal status." [1] If the Union had a government, that government could appeal to the allegiance of every individual; and to refuse obedience because a state commanded otherwise was, in Lincoln's view, simply treason.

On both sides the Civil War emphasized the ideal of national unity: Ohio was not defending its soil, but the Union; the Georgians were not fighting for themselves, but for their section, their Confederacy, their cause. Had the Confederacy been successful it would have had to work out an interesting theory as to its own perpetuity and prerogatives. The defeat of the Confederate armies had the practical effect to put into the list of moot and academic questions the right of secession. The ideal that emerged was that of a federal government, in which the

[1] *Am. Hist. Leaflets*, No. 18.

national powers and the national status were so fixed and so obvious that it was not worth while to fight about them again, and a waste of breath to discuss them.

This very triumph of national sovereignty brought about a logical difficulty after the war was over, which was only solved by ignoring it. The war began on the definite theory that everybody who adhered to the Southern Confederacy and gave it aid and comfort, thereby committed treason, for which he should be duly called to account when the officers of the law could lay hold on him. On the other hand, the North insisted that a state, as such, could exist only within the Union; hence the organizations calling themselves seceded states and assuming to constitute a Confederate government were nullities, shadow commonwealths, which would disappear whenever the armies of the United States could reach them. On that basis, Union state governments were set up in several southern states during the war, but the logic of events brought it about that nobody was punished for treason; and on the other hand, the indestructible states were found to be so out of harmony with the Union that they could not take part in the necessary reorganization. Radical statesmen held that they had committed state suicide and become territories; that they were conquered provinces, which might be dealt with *de novo;* or that they were suspended states. The northern majority could not accept its own logic that a state

once admitted into the Union must always be a state, with the rights of a state. The difficulty was got over by rule of thumb: the states were readmitted with negro suffrage; within five years thereafter, every one of the eleven was in political opposition to the northern majority. Reconstruction is therefore a painful lesson upon the difficulty of holding to any consistent federal ideal in the midst of a war which dislocates the previous national relations.

During the process of Reconstruction the southern states were practically treated as dependencies, the conditions of which were such as not to allow a fair application of the ordinary principles of government. Thirty years later, by the annexation of the Philippines, the Hawaiian Islands, and Porto Rico, that ideal was further tested, and federal government was thus subjected to another wrench. The difficulty of settling how far annexed territory became a complete part of the Union, to which the Constitution and its limitations applied, was raised as far back as the annexation of Louisiana in 1803; but with the exception of Alaska all the annexations were eligible for future statehood, and pending that process were regularly organized as territories. The group of annexations resulting from the Spanish War brought up the question whether, under a federal government, there could be regions which had a different basis of rights and privileges from the states and even from organized territories.

It was a new idea that there were four sorts of

government within the acknowledged geographic boundaries of the nation—states, territories, dependencies, and the federal government. It was a new conception that there could be one system of taxes, and especially of import duties, for a part of the Union and a different system for another part; that the Constitution was all valid in Ohio and Oklahoma, but only a part of it in Luzon and San Juan; that a citizen of Illinois must also be a citizen of the United States, but a citizen of Hawaii may or may not be a citizen of the United States; that New Mexico must in the course of no long time become a state; but that the Philippine Islands must never expect statehood. These paradoxes have seriously disturbed the previous conceptions of federal government.

Are there no permanent and indisputable ideals of federal government left? The main federal ideal is that in the United States the Union is dominant. Tocqueville's predictions of 1835, like Gladstone's of 1862, that the Union was destined to break up, have not been fulfilled; it is stronger, more vigorous, more likely to be permanent than at any time in its previous history. When an American travels abroad he finds himself recognized as a citizen, not of any state, but of the United States of America. In every state of the Union, politics and the conduct of public affairs bend to the necessities of national politics; people are more interested in national elections than in the most pressing questions of their own local

government. The practices of the national Congress react on every legislative body in the country.

National ideals as to the purposes and functions of the federal government are also much enlarged, partly through the disposition to give to the state as an entity tasks which it never had in earlier times; partly because of the enormous growth of commerce between the states, which cannot be regulated by any local authority; partly from a sense of the nation's mission in the world. Without a single enlargement of its competence in the Constitution—except the Fourteenth Amendment, which has been reduced to nothing by the interpretation of the courts—the field of federal power daily widens and must continue to expand.

Nevertheless, the ideal of a government of divided powers is apparently as strong as ever. The states too have grown great; they too have a broader field of activity, and some of their most serious problems are solved by practically extending the federal ideal to their own government through the principle of local self-government, under which the states turn over to cities and localities a part of their sovereign powers.

The federal ideal is less favorable to individual rights than in earlier times, perhaps because medieval notions of society are creeping back. The capitalists are united in corporations, trusts, and syndicates; the farmers in granges; the workmen in trades-unions; the literati in national learned socie-

ties. It is not federal government which has brought about this change; but under federation there are discriminations between the white man and the negro, the American of European blood and the Mongolians, the inhabitants of the main-land and the inhabitants of the islands, which could hardly have come about either under state sovereignty or under a unified republic.

As to the future boundary between state and federal action, no one can safely predict. The central government is likely to take over the telegraphs, the express business, perhaps the railroads, which would much increase its prestige and power. It may assume control of interstate corporations, which are the engines of modern business. But the states are very tenacious of their criminal and civil law, of the police power, which regulates the relation of individual with individual, of their education, and other rapidly increasing means for raising the individual and making life broader and happier. There is not the slightest indication of any purpose to surrender these important fields of authority to the central government.

Finally, the whole history of American federal government shows that it is a flexible machinery, which easily adapts itself to new conditions, making possible reforms and changes in one direction without disturbing the whole body politic. Americans love and cherish the federal spirit, because, as Bryce says, "If therefore we find a rigid constitution tenacious

of life, if we find it enjoying, as Virgil says of the gods, a fresh and green old age, we may be sure that it has not stood wholly changeless, but has been so modified as to have adapted itself to the always altering circumstances that have grown up around it." [1]

[1] Bryce, *Am. Commonwealth* (ed. of 1901), I., 361.

CHAPTER IX

UNOFFICIAL GOVERNMENT

AMERICAN democracy, in its various forms of local, state, and federal government, does not automatically carry its own ideals into effect. The conductor of political power from its source in popular sovereignty to the actual work of government is political organization, in which Americans have been as inventive as in political theory. In fact, from the beginning the possibility of democratic government has depended upon a series of unwritten presumptions, of which the first is that voters are intelligent, able to understand political questions, and accustomed to reason about public affairs; with the corresponding belief that the right to vote is in itself a steadying and broadening influence. A second presumption is that elections will be honest, so that the voter may actually express his preference: hence the slow development of the secret ballot and of its later and better form, the Australian ballot. It is presumed also that representatives will be superior to ordinary voters in intelligence and information on public concerns. It is further presumed that measures will be discussed by representatives, and the

complex of parliamentary law is an attempt to steer debate through the maze of rival and conflicting bills; legislative journals and public sessions are intended to let constituents know what their representatives are doing. People expect also that representatives will vote without sense of private advantage, according to their own judgment of the measures before them; with due regard to public opinion, yet not necessarily as their constituents may at the moment demand; without the influence of bribery or the dictation of individuals or corporations. It is supposed that in representative bodies, thus sensitive to the public interests, questions will be settled on their merits. How far these presumptions can historically be shown to have been realized, it is the purpose of this chapter to examine.

It has never been an American ideal that public life must be free from formal associations of those like minded; at the very beginning of colonial government we find people combining in an informal way into what were substantially political parties. John Winthrop says of Vane's friends in the Massachusetts election of 1637, that "all of that faction were left quite out." [1] In most colonies there was a party of the governor's friends and a popular party. These were simple and crude combinations, without any more coherent principle than squabbles over paper money, or a general desire of people to have their own way; but in 1730 appeared a political

[1] Hart, *Contemporaries*, I., 379.

engine called the caucus, which was a private meeting in which certain citizens of Boston agreed beforehand to vote and work together in town-meetings.[1] This system was perfected by Sam Adams, the first American political boss, who by his shrewd and silent manipulation became the autocrat of Boston town-meeting. Then, in 1770, came the Sons of Liberty, a sort of political society, and in 1773 the intercolonial Committees of Correspondence, the first attempt to build up a national party machinery.

Another modern institution of venerable age is the colonial practice (in Massachusetts confirmed by statute) that a representative must live in the district which elected him.[2] The voting, at first commonly *viva voce*, later was often "by papers"—that is, by ballot; but it was uncommon to use previously prepared tickets. Colonial elections were not wholly free from disagreeable influences: a Pennsylvania politician in 1765 would have "all our friends warned to put on a bold face, to be every man provided with a good shillelah"; and in 1675 the authorities of the Boston town-meeting, while collecting votes, "observed one of the Inhabitants, vizt: John Pigeon, to put in about a dozen with the word Yea wrote on all of 'em"[3]—and fined the said John £10.

[1] Dallinger, *Nominations to Elective Office* (*Harvard Hist. Studies*, IV.), 8.

[2] For the Virginia Assembly in 1619, cf. Hart, *Contemporaries*, I., No. 65.

[3] Hart, *Puritan Politics*, in *Quarter Century of the New England Society of Orange* (1895); Hart, *Contemporaries*, II., chaps. ix., xi.; Ford, *Politics*, 5–7.

The beginning of national parties is in the Revolution, when patriots and tories contended for the control of the assemblies; loyalists were excluded from elections and from office, fined and imprisoned, and even banished. The ideals of democracy do not provide for such a crisis, when brother is arrayed against brother, and it is fortunate that in the new state governments without exception the patriot element was so predominant that there was no opposition party left. Within several of the states arose rival political organizations, especially the radical Constitutionalists of Pennsylvania and the opposing friends of revision of the state constitution.[1] Though there was plenty of party passion, it went into local issues; in Congress there never was any permanent body of members habitually acting together.

A new point of national political division was presented by the Federal Constitution: throughout the Union, Federalists and Anti-Federalists stood opposed to each other; by correspondence with their friends in other states kept their parties in line; and in the elections for state conventions appealed to party spirit, party argument, and party organization. It took the shrewdest sort of political management to carry the Constitution through: the representatives of most of the rural towns and counties stood arrayed against the representatives of business and commerce. In Massachusetts, the critical state, ratification was obtained only by a "political deal" between the

[1] Hart, *Contemporaries*, III., chap. iv.

Federalists and John Hancock, who agreed to come out for the Constitution if allowed again to become governor.[1] The period of Constitution making ends with fierce party controversy.

Nevertheless, Federalists and Anti-Federalists faded out after the new government began its operations in 1789, and for a short time there was a lull in party organization. It was traditional to think parties an evil, and Washington attempted to found a non-partisan administration; but of all types of government democracy is most dependent on parties for a proper reflection of public opinion and for effective action. Under a monarchy, in a land of hereditary law-givers, there is a centre for a steady national policy; in a republic, bodies of men must unofficially combine, sinking minor difficulties, seeking to secure a majority so that they may carry out their purposes—and what else is a party? Hence, as early as 1793 two rival national parties were in full activity, Federals and Republicans, each trying to get control of state as well as of national governments.

The origin of those parties lay first in the variety of economic and social conditions in the country, and second in different points of view as to the purpose and proper extent of government. Jefferson thought that the distinction was that his friends inclined to the legislative and his political adversaries to the

[1] Harding, *Federal Constitution in Mass.* (*Harvard Hist. Studies*, II.), 85–87.

executive.[1] John Adams wrote that party divisions "began with human nature." [2] Both were right, and both were wrong: the parties did arise out of antagonistic views as the nature of the new federal government; but those views were inherent in human nature. Men like Jefferson, who believed that the purpose of government was simply to give the individual fair play, could not act with men like Hamilton, who were convinced that both state and national governments must encourage industry and regulate the nation's affairs.

In the end the Federalist and Republican parties came to stand for the rival principles of little government and much government; but when the Republicans got possession of the national government in 1801, they exercised vigorous and far-reaching national powers: they annexed Louisiana, enacted the embargo, started the Cumberland Road, made the War of 1812, passed the protective tariff of 1816, and chartered the second United States Bank. Meanwhile the Federalists stood on the doctrine of strict construction, decried implied powers, and opposed the War of 1812. Into these controversies the states were swept, and state parties were in most cases simply branches of the national party, the senators and representatives acting as connecting links. As for party methods, John Adams complained in 1812 that on both sides prevailed "the same running and

[1] MS. letter quoted by Thorpe, *Const. Hist. of the Am. People*, I., 171.

[2] Hart, *Contemporaries*, III., 282.

riding, the same railing and reviling, the same lying and libelling, cursing and swearing, will still continue. The same caucusing, assemblaging, and conventioning."[1] In this party warfare the press was active; and no newspapers have ever been more bitter and more scurrilous than the *National Gazette* and the rival *Gazette of the United States*. Before 1830 were founded the *New York Evening Post* and Thurlow Weed's *Albany Journal*, which to this day are Kilkenny cats devouring each other.

Parties once founded straightway evolved a complicated machinery. When they began, nominations to office were made at the modest suggestion of the candidate himself, or by groups of friends; then by caucuses of the members of a party sitting in the legislature or in Congress. About 1787 Pennsylvania tried a system of delegate conventions, which slowly spread through the Union. As in colonial times a nomination could be expected only by a man who lived in the electoral district, so that men of great abilities were often pocketed by losing the majority in their district. Before 1830 it began to be perceived that the controller of the nomination machinery kept the gate by which men must enter public life.[2]

Party management began to show itself also in elections. As population grew, the southern custom

[1] John Adams, *Works*, X., 23.

[2] Godkin, *Problems*, 292; Dallinger, *Nominations to Elective Offices* (*Harvard Hist. Studies*, IV.), passim.

of canvassing all the voters became difficult, and a new system of stump speaking came into vogue and spread throughout the Union. In the country people had few amusements except politics, and everybody loved the ready orator. As has already been pointed out,[1] this was a period when the choice of governors, mayors, and other state and municipal officers was passing from legislatures and councils to the voters; and the device of indirect election of the president of the United States had practically broken down.

An interesting cog in party machinery was the Columbian Society, formed in 1789 as a rival to the Society of the Cincinnati, and devoted to one Tammany, a supposed Indian chief. As the poet of the order sang:

> "Let the full horn of Tamany go round,
> His fame let every honest tongue resound!
> With him let ev'ry gen'rous patriot vie,
> To live in freedom, or with honour die." [2]

Though made up of native Americans, it favored extension of the suffrage, which perhaps led Hamilton in 1800 to suggest the foundation of a "Christian Constitutional Society" [3] to meet it on its own ground. Within ten years Aaron Burr worked it into politics as a Republican political machine; in 1805 it took the name of the Tammany Society.

[1] See p. 74, above. [2] Hart, *Contemporaries*, III., 296.
[3] Hamilton, *Works*, VI., 541.

Foreigners were now brought into membership, and in 1822 the society took the decisive step of intrusting its affairs to a representative committee.[1]

Another significant change in political ideals previous to 1830 was the rise of a new parliamentary system, which lent itself to party leadership. The speaker of the Federal House from 1790 appointed the committees, and ten years later began thereby definitely to shape the legislation of Congress, till, under Henry Clay, the speaker became, next to the president, the most powerful man in the republic.[2] This method of speakership management made its way downward, and the speaker-committee system became a real legislative force both in state and city legislatures. In order to stop discussion when the majority wished to come to a decision, in 1811 the national House of Representatives adopted the previous question; and, still further to stay the flood of eloquence, in 1835 framed the hour rule. Hired agents were well known in the legislatures, especially in behalf of charters for new corporations; and in 1825 Thurlow Weed developed something like a standing lobby for the joint benefit of the New York legislature and his party friends.

The year 1829 is a turning-point in political organization because it saw a remodeling both of parties and of national political methods. After

[1] Ford, *Politics*, 144, 145; Bryce, *Am. Commonwealth* (ed. of 1901), II., 380. [2] Follett, *Speaker of the House*, 69–80.

1816 the Republicans (then called Democrats) and the Federalists were practically amalgamated, and there followed what was popularly called the "era of good feeling," in which for lack of abstract things to differ about, men fell to abusing one another. The effect was to lead back to party government, and the election of Jackson coincided with the rise of another set of economic questions, very like those of forty years before—tariff, internal improvements, bank, currency, and public lands; upon which there were profound differences of opinion in the United States.

The result was the foundation of two new parties, the Democrats and the Whigs, both of which turned to political organization as an ally. For party success it was necessary to bring out the vote, and the discontented or apathetic party man was felt to be disloyal, and was marked for exclusion from the future honors of his party. Thus a premium was put on party allegiance through thick and thin, on a straight party vote, on accepting the official party nominee. The coming of large numbers of the Irish race, who have a positive genius for governing other people, gave point and zest to political struggles.[1] The result was a high tension of political interest. As an eye-witness said, "No sooner do you set foot upon the American soil than you are stunned by a kind of tumult; a confused clamor is heard on every side; and a thousand

[1] Godkin, *Problems*, 130.

simultaneous voices demand the immediate satisfaction of their social wants." [1]

One consequence of this intense party rivalry was the federalization of party machinery; municipal and state parties practically ceased to exist; and the attempt from 1826 to 1832 to establish an anti-Masonic national party ended in a failure. Soon almost every voter ranged himself as a Whig or a Democrat. In 1832 began the system of national delegate conventions for nominating the president and laying down a platform of party principles, which within a few years was so perfected that it became a sort of temporary Congress, with rules, precedents, traditions, and factions.

For the benefit of party, the gerrymander came to be a system, and it marks a great change in the ideal of the representative district. In colonial times members were chosen by towns and counties—that is, by the units of local government—which made it quite possible that a small place might have as much political power as a city. After the Revolution, and as a part of the rising tide of equality, came the conception that representation ought to be based on equal groups of population. The old system was not much disturbed by the growth of population; the new system was thrown out of gear by irregular growth in different parts of the same state, and still more through the gerrymander, instituted by Governor Gerry, of Massachusetts, in 1812. Legislatures

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 246.

purposely made districts of unequal population, so as to aid their political friends and make it possible for a minority to elect a majority of the legislature. Elections were also subjected to law, and in the years from 1830 to 1860 progress was made in electoral reform; thus in 1834 Tennessee fixed a separate day for local and for state elections, so as to avoid confusing the issue; in 1842 Rhode Island took the wise precaution of requiring advance registration of the voters; by 1850 in all the states no election could last more than one day; several state constitutions laid down rules intended to prevent the gerrymander; and the system of the general ticket gave way to the single-district idea, in which minorities and sections had greater influence.

More important than these legislative changes was a group of new political practices and traditions. In 1840 was initiated a system of hurrah campaigns with processions, banners, and enormous mass-meetings; in some instances—notably in Illinois in 1858—joint debates were held between champions of the opposing parties. Outside of the cities, especially New York, Philadelphia, and Baltimore, in which there were shameful violence and election riots, the ideal of a fair and open election in which every voter should have his chance and every vote cast should be counted, was reasonably observed. The most serious blow to the old ideals was through the spoils system, which captured nearly all the states, all the cities, and the national government: the

public officer was taught to think his office not a public duty, but a reward for party service; to use it so far as he could to keep his party in power; and to hold prime allegiance to his party chieftains. Nevertheless, the spirit of the federal government was somewhat improved by bringing subordinate officials into closer relations with the heads of their offices; and the removal of Secretary Duane by President Jackson in 1833 cleared up any doubts as to the concentration of executive power in the president.

The effect of the terrific controversies over slavery (which culminated in the Civil War) was to destroy the Whig party, which was in 1856 succeeded by the Republican, and to modify the Democratic party. After the war ended, two strong national parties were left opposed to each other, under conditions very unfavorable to genuine political discussion or party life. The southern negroes were enfranchised and disenfranchised before there was an opportunity to show how far they could really be educated in political matters. The former Confederates were disfranchised and then re-enfranchised, with a consequent bitterness which prevented them from dividing on their general interests and convictions; and "the white man's party" got control of every southern state.

The period from 1860 to 1884 was chiefly remarkable for the eclipse of those ideals of honesty and fair dealing in public life which were supposed to be

the birthright of the republic. The southern states were plundered by white politicians acting through negro majorities; but the worst examples of political decadence were in the richest, most intelligent, and supposedly best governed communities of the North. In California there was in 1877 an outbreak of socialism which was partly checked and partly aided by a new state constitution of 1879. In 1870 Philadelphia fell into the hands of a corrupt public buildings commission, which grouped its stealings around an enormous city hall. The worst and most scandalous instance, the episode which has done most to discredit American democracy, was the Tweed Ring, which from 1868 to 1871 sucked the blood of the rich city of New York, and appears to have made away with eighty million dollars of hard cash. In some degree this calamity was due to a charter which transferred authority from the state legislature, which was incapable of properly governing the city, to a city government which was kept in power by fraudulent control of the electoral machinery.

The leader of this conspiracy, who has written his name among those Americans best known in their day and generation, was William M. Tweed, a native American, born in New York, and from 1852 to 1872 actively in public life. Here, if anywhere, ought to be a man imbued with American sentiment; but in 1863 he captured Tammany Hall and reorganized it with a committee of twenty-two, every member of which was an office-holder or a contractor. The next

step was to put his creatures into Congress, into the governorship of the state, into judgeships, and especially into the mayor's chair. The city administration was centralized in the mayor, comptroller, and a few other executive officers, who simply ran riot: the city debt trebled in three years; thirteen million dollars was paid on a court-house which three million dollars would have built. Tweed divided the plunder, and aspired to a federal senatorship and to the control of the national Democratic party. This orgy lasted only about three years, when the Tammany ring was overwhelmed by a storm of public opinion, concentrated by the *New York Times* and *Harper's Weekly*. Tweed's henchmen were scattered, Tweed himself put on trial, and sent to the penitentiary. The lesson that it was unsafe to steal money which had once found its way into the public treasury was learned; but the counter-lesson was promptly absorbed, that the city and state governments, if properly manipulated, could squeeze money out of corporations for the expenses of party contests and for the reward of unnecessary officers.

After 1872 the national parties were nearly balanced, and though third-party movements, such as the Populist, the "A. P. A." anti-Catholic, and the Prohibition, had only a few hundred thousand voters, they held the balance of power in some states. A new set of political issues arose, upon which the national parties had to take ground or refuse to take it. Such were the sale of liquor, the reform of the

national civil service, protection or free trade, the control of railroads, the status of laboring men. In 1884 the close presidential election was decided by a few thousand "Mugwumps" in New York, who had the balance of power and threw their vote for Grover Cleveland.

Where there was so much for parties to do, political organization had to be enlarged. The cost of a national campaign rose to the millions, every dollar of which had to be paid by somebody, and was substantially added to the cost of government. When Sir Leicester Dedlock spoke of the vast sums expended for the parliamentary campaign, Volumnia asked, "What for?" and then, realizing that the question was inopportune, substituted, "What a pity!" Upon the uses of political campaign funds it is safest to say only, "What a pity!" Hundreds of thousands of men become busy in the party organizations, keeping up the vote, holding primary elections, choosing members of nominating conventions, and acting as watchers and officials at the elections. Many of them work from a real interest in the success of their party; others from a hope of some kind of appointment if their party should be in power; large numbers for the money paid for their services or as bribes. The two great parties were commercialized, especially the Republican, which from 1860 to 1884 held the presidency. The money for party uses must be found somewhere: voluntary gifts without hope of return were few;

candidates were assessed till it cost from ten thousand to fifteen thousand dollars for an honest judge to get a renomination in New York City; assessments on office-holders, though forbidden by federal statutes of 1876 and 1882, still remained a resource.

Thurlow Weed, of New York, before the Civil War invented a system which consisted in striking hands with those corporations which had something to gain or lose from the governments of states, cities, and the nation. Such corporations, especially the public service companies, regularly made extravagant campaign contributions, sometimes to both sides, and expected corresponding favors from the party that succeeded.[1] To this pass had American democracy come! To keep themselves in office public servants sell their services in advance, the whole thing depending upon what seems a most "un-American" principle, the military obedience of hundreds of thousands of voters to a political boss. Inasmuch as party success depends on carrying the elections, or at least the election returns, somebody must direct campaigns; and experience has shown that the party which is led by a small group of individuals, and still more by a single manager, is most likely to succeed. Hence the boss, the *condottieri* of modern politics. The voters will not follow him unless they are convinced he will do something for them, and your genuine boss does things both before and after elections:

[1] Ford, *Politics*, 312–324; Goodnow, *Politics and Administration*, 251–253; Giddings, *Democracy and Empire*, 254.

the city boss pays the coal bills of the poor, invites thousands to a picnic, and gets his constituents out of jail; the state boss pays the debts of his followers, throws business in their way, and sends them to the legislature. Once there, of course they vote for and with their benefactor: that enables him to control legislation and thus to become virtually the source of the laws. Thus, through a system closely resembling the feudalism of the Middle Ages, the power of the mighty boss reaches down to the most remote and humble voter.

It is a great mistake, however, to think that the boss is wholly evil; like Boss Tweed, he may be personally abstemious; he may have a bull-dog force of character, like Boss Croker; he may be fond of books, like Boss Quay; he may be an "easy boss," considerate of his subalterns, like Boss Platt; but under all circumstances his prestige depends on bringing things about. When the governor and the legislature are at loggerheads, the boss, if he owns the one and controls the other, may bring about harmony. The boss has nearly killed out the old system of bribery of individual members of a legislature, because he cannot allow people to bid outside of him for the support of his followers: it is his perquisite to make the transaction between the government and the corporation. His nominees may be very bad, but at least they will pull together when elected; the more powerful the boss, the more complete his ascendency, the blinder the obedience of his

disciplined followers, the clearer stands out his personal responsibility. And the more likely are combinations to overthrow him by the simple process of sapping his vote; for a boss who cannot carry elections is a general routed in a pitched battle.[1]

Of late years the boss has sometimes been a courageous man who by the force of his character, backed up by public confidence, accepts a popular mandate to carry on the government. Before such a man, commonly a governor or mayor, legislatures and councils give way; and the causes which produce the corrupt boss are turned into the support of an honest boss, the difference being that the old-time boss was moved by love of power and personal advantage, often of the basest kind; while the new type of boss uses his great authority for the public service and therefore triumphs over his adversaries. For the bad boss to turn honest or the reform boss to sell out would be equally suicidal.

Political organization is evidently undergoing a change which makes it hard to say what are the present national ideals. One thing is clear, that Americans prefer a complicated government with various centres of power. Besides the federal and state governments, many types of municipal and local government exist; and the tendency is to hand over more and more authority from the states to the small units. In few of these types of government,

[1] Cf. Ford, *Politics*, 299; Goodnow, *Politics and Administration*, 106–110, 250.

either state or local, has the federal lesson of the centralization of executive power been followed: American governments are clumsy, ill-joined, and overlapping, because the American likes a distribution of power into many parcels.

Who can explain the undoubted fact that though Americans prefer comminuted government, they insist on highly organized parties, which are in many cases centralized despotisms? Perhaps it is partly because Americans love a game with complicated rules which may be evaded—for in politics as in football, anything is fair which the referee does not see; partly because they admire the captain who commands his team. "The party prefers"—that is, "the organization decides"—that is, "the boss says so"; and his fiat as to what is "good for the party" becomes a second moral principle. The highly organized party cuts indifferently across local issues of great import, and nobody ever stated the American principle of party organization better than Thaddeus Stevens, when told that the candidate for a particular office was a damned rascal. "All I want to know is, whether he is *our* damned rascal."

One reason for the success of corrupt parties is that to the American mind they are not a part of the government, but private societies, which fit in with that freedom of association which is so characteristic of America. The real managers of a party form a conclave which is almost as secret as a lodge; they often maintain a bureau of intelligence to send

out prepared information for the newspapers and for the voter. The recent legislation for regulating primaries, caucuses, and conventions makes the parties part of the state governments, and so far forth reduces the power of the boss.

All countries know the professional statesman who gives up his life to the public service: in few lands is there anything like the party workers who are content to be cogs in the wheel, who never take offices, who "get out the vote" with the same business-like method with which they would clear the snow from a railroad track. The truth is that the political party is to many of its participants an order, existing for its own pomp and grandeur, and having in their minds no direct connection with public service.

By another of the paradoxes of the subject, Americans are intensely interested in elections, partly from the uproar and excitement, partly from a love of triumphing over the other fellows, and partly from a personal interest in the leading candidates; and every four years the country goes through several months of upheaval, during which all the streams of political activity are turned into the one channel of the presidential election.[1]

If American political ideals seem in many ways gross and selfish, there is a counterbalance in the essential soundness of the nation's character. Every now and then a boss tumbles from his pedestal be-

[1] Cf. Tocqueville, *Democracy in America* (Spencer ed.), I., 127, 130, 247, 254.

cause he cannot realize that the majority of Americans prefer honesty and public service. The main difficulty in reform is a disillusionment when it attempts to defeat a powerfully organized party by counter-organization. It has to set up an anti-machine machine; to raise money for registry of voters, for campaign literature, and a hundred other legitimate expenses of politics. Hence, in many cases, instead of organizing a reform party, the discontented rely upon independent voting, swinging from one party to the other, according to the character of the candidates and the nature of the principles set forth; and the effectiveness of this independent voter is shown by the deadly hostility of the machine politician, who sums up his opinion of the man who votes for a principle rather than a party in the apothegm, "The Lord hates a quitter." [1]

It has become a national ideal so to protect the votes that there may be assurance that the popular will, so far as it is ascertainable, shall be expressed. Intelligence qualifications are intended to eliminate the uninstructed voter; registration to shut out the tramp and the floater; the control of primary elections to give the people a voice in designating party candidates; the Australian ballot makes secrecy possible and is an aid to the independent voter; and the review of the count prevents frauds and

[1] Hadley, *Education*, 6; Lodge, *Hist. Essays*, 202–211; Ford, *Politics*, 295, 333; Cleveland, *Democracy*, 301–306; Taft, *Four Aspects*, 21–33; Godkin, *Problems*, 282, 288.

obviates accidental errors. These reforms have spread from state to state, and, combined with more stringent provisions against bribery, have done much to purify the actual work of election day. But no statute can reach the wrong-headed voter or the man who is looking for private advantage from an election; and no ideal of the expression of the popular will takes the place of the actual deposit of one's vote.[1]

In the domain of legislation the reforming ideal is publicity, which breaks up the pernicious notion that legislation is to be framed behind closed doors by a steering committee, and then passed without amendment and often without discussion. Statutes against lobbying are aimed to keep outside influence within bounds; bulletins showing how members vote on roll-calls are sent out by private bureaus of publicity. But the principle of legislation through committees, of putting through private bills by unanimous consent, the abdication by legislatures of their sacred right to talk on a question as well as off it, the willingness of members elect to obey a patron or boss, —these are difficulties which no statutes can remedy. It seems puzzling and unreasonable, but is nevertheless true, that Americans have learned how to concentrate both legislative and executive power in their party management, and to combine the two into the same conclave or individual, but are unwilling to push the effective principle into their governments.

[1] Goodnow, *Politics and Administration*, 29, 201, 230–232.

The next step in political organization is to place in the governor or mayor for the time being the same kind of confidence and the same loyal support that the boss unquestioningly receives.[1]

[1] Goodnow, *Politics and Administration*, 43, 204; Hadley, *Education*, 13; Stickney, *Organized Democracy*, 266–268; Godkin, *Problems*, 221.

CHAPTER X

THE ART OF LIVING

OUTSIDE of the contrast between the native and the immigrant, the eastern man and the western, the farmer and the city man, lies the question of American ideals of conduct. Social life is a part of history, both because "the short and simple annals of the poor" make up the record of the great majority of mankind; and because the way we live affects and deflects political happenings. People eat and drink, and have very decided opinions as to taxes on bread-stuffs and the excise on beer. People like to be in the fashion; yet in a spirit of patriotic self-denial our revolutionary ancestors boycotted English goods. People half a century ago fed the hungry and protected the oppressed; and therefore saw no reason why they should be held back by a fugitive-slave law. People came to understand the importance of education; and statutes against child labor sprang into existence. In a thousand different ways social and domestic life, especially of the common people, finds its expression in the legislation and the government of the country.

So it has ever been. The daily life of the seven-

teenth century in the colonies helps to make the history of that time picturesque. Who would not have hobnobbed with Judge Samuel Sewall, to be entered in his diary as "an entertaining gentleman"? Who would not have liked to discuss with Colonel William Byrd the points of a good negro field-hand? Who would not have enjoyed sitting with William Penn over his proposed constitution for Pennsylvania? The colonies had their agreeable side. Notwithstanding the diseases of the New World, it was a cleaner and healthier place than the court of King James I., who never washed his hands, but sometimes wiped them on a damp napkin. Yet the fathers lived in poverty and hardship, with few houses which people would nowadays think even comfortable; with hand-wrought nails, hinges, and locks; with clothes of homespun, eked out with small importations of foreign linen and cloth; with scanty amusements of any kind, except cock-fighting and similar sports for the coarser sort. Yet people had their courtings and weddings and christenings and comely funerals, with abundant store of drinkables. They even joked in a stately way, and boys called after a famous divine, "John Cotton, thou art an old fool." If social life was thin and eventless, people were the more interested in the affairs of church and state, and liked to complain of "novelties, oppression, atheism, excess, superfluity, idleness, contempt of authority, and troubles in other parts to be remembered." [1]

[1] Eliot, *Am. Contributions to Civilization*, 357–359.

Against the narrowness of social life, the South always protested, and in the eighteenth century all the colonies got away from it. The few rich men lived handsomely in houses like the Vassall mansion in Cambridge, later the Longfellow House, and always the most beautiful place of residence in America. They had velvet suits, which they carefully bequeathed by will to their sons; they had coaches and four; they had silver services like that of John Hancock, and proper glasses and no lack of Madeira to fill them; they wore the crimson small-clothes which still adorn the portraits of colonial worthies. Alongside these magnates were the professional men, of whom none but the ministers were well educated or much respected. The doctors, to judge by the account of one of them,[1] were a rude and untutored set, much given to uproarious quarrels over the merits of schools of medicine of which they understood little; the lawyers in New England were still under suspicion down to the Revolution, as a useless set of fellows.

Professional men lived much like the well-to-do farmers, in comfortable houses, surrounded with those families of ten and twelve children which put far into the future the shadow of race suicide. Life was simple and easy because there was little to do. Servants were few, because the older children brought up the younger. The men of the eighteenth century lived in a world rapidly enlarging, with every

[1] *Hamilton's Itinerarium*, passim.

year more commerce, more travel, more ships, more imports, more contact with the world, and a corresponding rise of discontent. It was in its way an artistic period; many of the public buildings of that time still stand to show the excellent taste of our ancestors in architecture, and the skill of the workman in reproducing English types of the Georgian period. The architecture like the people was for the most part plain, practical, and infused with common-sense; there are no majestic buildings or stately public monuments out of that period. The wood-work and furniture of the houses show the same influence of good English taste; and the eighteenth century portrait-artists, Smibert, Stuart in his successive brandy-and-water style and claret-and-water style, and Copley, if they created no school, with credit carried out their function as painters in the prevailing English style.

It would be a mistake to suppose that colonial life was simply a small copy of the English social life of that time. America had no capital, no baths and frequented resorts, no cities, and little of the bustle, gayety, and fashion of even the English county towns. America was provincial, and differed widely from provincial England because there was no titled aristocracy: considering the part played in other English colonies by men of rank, it is surprising how few ever found their way to America, and that only one hereditary title even of baronet was held there. With that sheet-anchor gone, the galley of fashion

could be boarded by anybody who raised himself above his fellows; and the governors, the representatives of official dignity, had to make terms with parvenus by creating them councillors. The colonies contained few owners of landed estates living on their rents; and in no communities of the world have the poor been so well off and the well-to-do so little encumbered with prosperity. Morally it was a rude and boisterous community, with a great deal of hard drinking.[1] Even in Puritan communities there was much sexual immorality, and quarrels and riots were frequent; but the drunkard was pardoned, the libertine felt sorry when he went to church, and the trend of society was towards honesty, thrift, and godliness.

The status of colonial women was much like that of their English sisters, respected, free, safe, good-humored, but painfully ignorant. Occasionally arose a woman like the poetess Anne Bradstreet, the traveller Madame Knight, or that most delightful of new women, Eliza Lucas, of South Carolina, to prove by their pens that women could think. To the great majority of colonial women, however, life was as a later descendant of the Puritans has described it: "Generations of them cooked, carried water, washed and made clothes, bore children in lonely peril, and tried to bring them up safely through all sorts of physical exposures without medical or surgical help, lived themselves in terror of savages, in terror of

[1] Goelet, in Hart, *Contemporaries*, II., No. 84.

the wilderness, and under the burden of a sad and cruel creed, and sank at last into nameless graves, without any vision of the grateful days when millions of their descendants should rise up and call them blessed." [1]

American social life after the Revolution was subject to several new influences which modified it. A few frontier and isolated communities like the eastern shore of Virginia and Cape Cod remained in the colonial condition. Where the population thickened up, city life began and two currents of foreign influence were felt. The first, from 1778 to 1793, was the French, which much affected the American habits of life: the lively French officer with his admiration for the American pretty girl, and the French merchant with his tasteful goods, for a time held the market; then, when the Napoleonic Wars began, Great Britain resumed her intellectual and commercial sway. It was impossible that the old social forms should continue; and the first evidence of a great change was the sudden growth of associations of every kind: the churches received a national organization; secret orders, especially the Free Masons, began to flourish, and societies for social reform multiplied, such as the Colonization Society and the Washingtonian temperance societies.[2]

As the country developed, people started new industries, wealth accumulated, labor was cheap,

[1] Eliot, *Am. Contributions to Civilization*, 358.
[2] Cf. Tocqueville, *Democracy in America* (Spencer ed.), II., 111.

lumber and brick abundant; and throughout the United States, especially in the northern sections, building went forward rapidly and the cities began to widen out. This was the Greek temple period, when the marble portico of the Acropolis was imitated in sandstone and stucco throughout the United States; and Bulfinch's combination of the classic and the romanesque in the Capitol at Washington produced the first monumental building in the United States. After 1815 house architecture began to run down, and the plastic arts down to 1860 were at a very low ebb. Trumbull's exaggerated historical pictures and a few portraits are almost the only artistic memorials of that time which are valued by posterity.

In social life the most noteworthy thing was the sudden growth of domestic conveniences. Up to 1800 people lived much like their ancestors three hundred years before, in houses many of which had but a single great fireplace. Now came a series of improvements which put household life on an entirely different footing. The common use of friction matches after 1830 saved an infinitude of pains to the cook, the workman, and the smoker; instead of the iron pots and Dutch ovens came the air-tight cook-stove, an unspeakably good friend to the housewife; for the open fire was substituted the wood-stove, and then the coal-stove, which leaked gas but saved toil and trouble; for the labor of the needle, which has kept feminine fingers em-

ployed from the time of Penelope, came the sewing-machine, rude enough at first, which revolutionized the making of clothing. The term "Yankee notion" became known in trade, and included patent sausage-mills, apple-parers, flat-irons, and a hundred other household labor-savers, which relieved the cares of life and helped to prolong for another generation the era of large families.

In deeper respects the sixty years in which 1830 is the mid-point are significant; and Tocqueville minutely photographed and fixed the characteristics of this time. He finds the American remarkably grave, taking thought for the future life and government of his people. American manners seem to him easy and sincere: "They form, as it were, a light and loosely-woven veil, through which the real feelings and private opinions of each individual are easily discernible." He is struck by an inborn feeling of social equality, such that the American does not easily suppose that his company is declined. Society is "animated because men and things are always changing; but it is monotonous, because all these changes are alike." People move about little, and European travel is uncommon. Young people are treated with confidence and freedom, and early strike out their own course of life. The American girl fascinates the Frenchman, and the philosopher sums up his deliberations by saying: "I have nowhere seen women occupying a loftier position; and if I were asked . . . to what the singular prosperity

and growing strength of that people ought mainly to be attributed, I should reply—to the superiority of their women." The picture painted by this competent observer is of a busy, thoughtful folk, among whom all aptitudes have their part, and who give free scope to the individual, yet are somehow oppressed by their own spirit, and know not how to get out of a monotonous and not very wide or interesting life.[1]

The social changes of the earlier nineteenth century were accented after the Civil War, and caused a larger feeling of national life. The war threw several million men into new combinations, widened their horizons, taught them to know one another, broke up barriers. The West, still farther extending, carried people across the mountains and to the Pacific. A flood of immigration brought new ideas, and travel on a large scale took people of American birth to Europe. The South, while distinctly American, had kept up a stricter social system with caste distinctions, but was now opened up for the commercial traveller and the health-seeker; so that the parts of the Union were as never before interfused with one another.[2]

As in the previous era, the "American passion for physical well-being" brought about refinements of

[1] Tocqueville, *Democracy in America* (Spencer ed.), II., 182, 202–211, 224–236, 242; cf. MacDonald, *Jacksonian Democracy*, chap. i.; Smith, *Parties and Slavery*, chap. xix. (*Am. Nation*, XV., XVIII.).

[2] Shaler, *United States*, II., 310.

domestic life. Cheap transportation distributed fuel, and that made possible a variety of new forms of heating hotels, private houses, and public and office buildings. The hard-coal base-burner, the hot-air furnace, steam-coils, hot-water pipes, and electric radiators, each in turn seemed the summit of human convenience and comfort. So it was with lights: for the old-fashioned tallow candle was substituted the whale-oil lamp and the gas-burner, then the kerosene lamp, then incandescent gas and the various forms of electric lighting. In colonial days people communicated by express riders; then came mails carried by men on horseback; in the thirties the mail train; in the forties the electric telegraph; in the seventies the telephone; in the nineties wireless telegraphy. It was the same in household supplies: time was when very respectable people, before they killed a steer, notified their neighbors and sold pieces all round, so that everybody might have fresh beef. The parallel inventions of the sealed provision-can, which came in after the Civil War, and of transportation and storage on ice, brought perishable goods and delicacies within everybody's reach; while the old-fashioned country store, where everything is sold, was developed on a great scale in the city department stores. The foreign system of snug and cramped quarters was introduced into buildings called tenements, flats, or apartments, according to their cost and comfort. The Philadelphia World's Fair of 1876 waked Americans up to a knowledge

of the possibilities in table service, silver, glass, and furniture, so that luxuries long enjoyed by the favored few and nurtured by foreign travel were suddenly multiplied and sometimes vulgarized. Poor indeed is the American family which does not every day gaze upon its own antique rug (possibly made in Philadelphia), its stained-glass window, and its hand-painted oil picture! Remote the hamlet from which at least one person has not gone forth during the last ten years to stay overnight at the Waldorf-Astoria!

The amusements of the people have undergone a similar transformation: before the war the theatre to many good people was a forbidden thing, like a pagan sacrifice to an early Christian; and those who went were drawn, not by the decorations, but by the acting, while orchestral concerts were the esoteric delight of the few. Nowadays amusements are distributed wholesale. The old stock companies which could play anything from "King Lear" to "Bombastes Furioso" have disappeared, and their place is taken by musical performances on a descending scale from grand opera to light opera, from light opera to opera bouffe, from opera bouffe to musical farce, from musical farce to vaudeville. Americans are far from being an artistic people, but there has developed an interest in and knowledge of the arts which the country never knew before, due to an impetus which has come from foreign schools and scenes; and distinct American schools of painting, sculpture, and

architecture have grown up. Perhaps the three most distinguished exhibitors in England of late years have been the Americans Abbey, Sargent, and Whistler; in sculpture, MacMonnies and Saint-Gaudens stand in the front rank of the world's artists; in architecture, people ceased to imitate feebly the Capitol at Washington; and the weak Gothic of Vaux and the pseudo-classic Greek Temple gave place to the broad and simple plans of Richardson and McKim, who struck out styles of their own admirably fitted to the American conditions of climate. The Americans have also developed a grandiose tower architecture which makes the spine of New York bristle like that of San Gemignano. Such temples as Trinity Church in Boston and the Cathedral of St. John the Divine in New York; such groups of academic structures as those of Stanford University and the Harvard Medical School; such railway stations as the Broad Street in Philadelphia; such public buildings as the Boston and New York public libraries, the Chicago post-office, and the Texas state capitol—these show what the New World has power to do.

Out of their long experience the American people have built up some definite ideals of social life and human intercourse. First of all they have a standard of physical comfort more exacting than the world has ever known before, due to the great number of people who are so well off as to command their conditions. Most visitors to America are struck with

what Bryce calls "the pleasantness of American life." The houses, which outside the larger cities are still mostly of wood, are tight, warm, and well lighted: it was an American lady who complained on a winter day that she "could not seem to raise a single room above 80° Fahrenheit." Americans are habitually well dressed, and no nation in the world has such a variety and plenty of food. Despite the ill effect of overheated houses, Americans have a high and rising ideal of the conditions of health; they have taken over from their British brothers that absorbing interest in sewers which means pure air in the house and the protection of the water supply.[1] American doctors share in the training of Europe, and have developed schools of medical teaching and research which rival all others. The hospital, the trained nurse, the expert physician or surgeon, the language of health and disease are familiarities in America; and perhaps the time will come when such filth diseases as typhoid-fever will be stamped out in America as they have been in some foreign countries. At any rate, the American has it fixed in his mind that his life can be prolonged by medical skill, and he appeals to it accordingly.

From a people of plain living, with or without high thinking, the Americans have come to have the most luxurious ideals of modern times, in the sense of making the largest outlay for things not necessary

[1] Cf. Muirhead, *America;* Eliot, *Am. Contributions to Civilization*, 33, 34, 183.

for existence. The absence of a society divided by rank, title, and hereditary family leads to a struggle to "arrive" through a display of money. Ladies at a ball may wear a parure of jewels like that of an Indian maharajah; at a girl's coming-out party, twenty-five thousand dollars may be spent for flowers, decorations, and perishable refreshments; and the wealthy man seeks to express himself through an enormous and costly house; while the great hotels have become the Roman baths of modern American life and vie with their prototypes in the display of marble and bronze.[1]

As to the ideals of pleasure, the careless joys of the very rich are not very different from those of the middle classes, for the ascetic tradition derived from the Puritans and the Quakers has almost spent its force. Young people continue to dance and get married, to make up theatre-parties, and to spend a disproportionate part of their mortal career over bridge whist. Public gambling is everywhere prohibited, but the bucket-shop, the horse-race, the broker's put and call, and other forms of taking chances against an unseen adversary, are favorite amusements. For a considerable part of the population, including the thousands of college students, with their admirers and friends, the most absorbing amusement is athletic sports; and they absorb the whole male population and part of the other sex.

[1] Eliot, *Am. Contributions to Civilization*, 291–296; Godkin, *Problems*, 311–332.

Professional baseball and intercollegiate football have taken the place occupied by the games of the ancient circus. Nevertheless, many thousands of people find delight in genuine open-air sports and open-air life —in sailing or canoeing, in bicycling, in pedestrian trips, in hunting, and in mountain climbing; and open-air life, if nothing more than in a roof garden, does something for the health and morals of the people.[1]

The type of society up to the Civil War in villages, towns, and small cities was a democratic combination of all the well-to-do and respectable people, perhaps a single family standing forth as *primus inter pares;* the boys and girls of the community often were brought up together like one great family. Such conditions can now hardly be found except in the smaller western and southern places. The ideal of organized society is influenced by social clubs, orders, and churches, which tend to set people off into separate sets and groups. In the cities, and even in smaller places, there is a social gradation, uncertain, changeable, and easily passing from one step to another; a few favored spots, especially university towns, breathe a general social atmosphere, in which all people of sufficient education and refinement have a status. Somehow foreigners discover a distinct American society, in which all ages take part; where, though there are no fixed ranks, nevertheless a high standard of courtesy and consideration pre-

[1] Muirhead, *America*, 40–42, 106–127.

vails; and people lead an agreeable, picturesque, and varied life.[1]

In this society the most notable ideal is the high respect paid to women. If it is no longer true that the young woman is the sovereign of American society, it is certain that she has and justifies a degree of freedom nowhere else enjoyed. Women freely seek and dignify employments as teachers, in professions, as stenographers, as business women, and thereby achieve an independence and a right to make their own decisions.[2]

Though America has no hereditary ranks, a growing sense of family is visible, especially among those who can count back to seventeenth and eighteenth century ancestors. There is a Society of Mayflower Descendants, a Society of Colonial Wars, and various organizations of descendants of Revolutionary and later worthies; the Revolutionary Society of the Cincinnati is still in existence, and the Military Order of the Loyal Legion is open to all the sons of northern officers in the Civil War. Libraries are beset by searchers into genealogy, hundreds of elaborate family histories are written, and there are circles where men and women talk of their ancestors as confidently as an English county family. Reverence for ancestors, however, does not extend to grow-

[1] Muirhead, *America*, 26–29, 39, 276; Eliot, *Am. Contributions to Civilization*, 97–100; Bryce, *Am. Commonwealth* (ed. of 1901), II., 752–756.

[2] Giddings, *Democracy and Empire*, 167–176; Muirhead, *America*, 45–62.

ing children, and a kindly visitor is amazed at the American "small boy," who "sits down before the refusal of his mother and shrilly besieges it. He does not desist for company. He does not wish to behave well before strangers. He desires to have his wish granted." [1] After all, these precocious and ill-governed American children often grow up into tolerable men and women.

The chief ideal of American society is a sense of responsibility, which goes outside one's own family and neighbors to the great purpose of helping the needy and raising the lowest stratum of society. The public charities of America are magnificent, and no people are doing more to seek the ultimate causes of poverty and crime. No nation has so set itself to the problem of caring for neglected children, and thus preventing crime. No nation does so much by legislation to regulate the conduct and morals of the people.[2] No people has been more successful in reconciling the social freedom of the individual with the responsibility of the state.

[1] Muirhead, *America*, 67.
[2] Crooker, *Problems*, 126–128.

CHAPTER XI

THE AMERICAN CHURCH

AMONG the strongest forces moulding American society is a principle commonly called the separation of church and state, which is almost unexampled in the earlier history of the world and has powerfully reacted in America both upon religion and government. Because since the Revolution religious worship has been in men's minds something apart from the will of the state, Americans are in the habit of thinking that the church has no place in political life, and that the various ecclesiastical bodies are nothing more than so many orders or associations—forgetting that, from the earliest colonization down to the present day, there has been and still is such a degree of union of religious ceremonies, thought, and aspiration that there is something to which the name American Church may fairly be applied.

The conditions for the creation of a new type of church in America were from the first favorable. The Protestant Reformation in Europe involved three of the countries—England, Holland, and Sweden—which were to plant colonies in the New World; and

a highly distilled Protestantism developed in the English colonies, especially in New England, planted by radicals who had long been a thorn in the side of the English church. The cardinal principle of those Puritans was an appeal to an authority higher and more subtle than that of all other churches. They disclaimed the venerable doctrine that "The Church" by the majesty of its tradition could establish religious truth; and they were so set against royal prerogative over doctrine that King James I. in 1604 complained that "As for supreme governor in all causes, and over all persons (as well Ecclesiastical as Civil), they pass that over with silence." [1] They objected likewise to any form of government under which a presbytery of churches in association could lay down rules for their guidance.

Instead, they based their ideals on the authority of Scripture, and no Protestants have ever been so zealous in the reading of that book. Though they insisted on the right of private judgment in the interpretation of the Scriptures, they were much influenced by the expositions of their clergy, and especially by the religious system of John Calvin, whose rigorous logic and relentless spirit they admired. In origin, in belief, and in religious practices, the American Puritans were simply English Puritans transplanted,[2] but they were relieved from the pressure which their brethren felt from an ever-watchful

[1] Hart, *Source Book*, 38.

[2] Cheyney, *European Background* (*Am. Nation*, I.), chap. xii.

royal power; and in their separated villages they had the best of opportunities to put into practice their theory of the independency of each several church.

In New Netherland the Dutch Protestants, in their Reformed churches, followed substantially the Presbyterian polity, which after the English conquest was organized in all the Middle colonies by Scotch and English Presbyterians. Into New Jersey and Pennsylvania came also early representatives of the extremest English sect, the Friends, commonly called Quakers, a people who applied literally the doctrines of peace and good-will to men. Thrifty and numerous, they speedily established themselves as a permanent church, which through quarterly and yearly meetings exercised upon the individual "meetings" a moral influence which held them together. The Middle colonies, with their variety of population, from the first practised a toleration, which was not felt farther south, where existed an established church, nominally a part of the national church of England: its ministry was ordained in England, sent out from England, and under the direction of the English government was supported from local taxes. Yet even within the circle of this genuine state church was found an early lodgment by many Puritans, some Quakers, and a few Catholics in Maryland, where for the sake of peace and the development of the colony toleration was necessary.

The only colonial church which worked out for

itself a theory of church and state was the Puritan. Not relying upon tradition or ordination, the early churches in New England adopted a theory closely allied with that of political compact; they were formed in a "Visible Covenant, Agreement, or Consent, whereby they give themselves unto the Lord to the observing of the ordinances of Christ together in the same society"; this included the notion that each church should be organized by and for itself and call its own ministers, the so-called Congregational synods being only consultative bodies.[1]

What was the relation of such a church to the civil community? Iconoclasts like Roger Williams insisted that the state could exist without a church, and that the church was not entitled to make use of civil magistrates. John Cotton insisted that the source of civil law was the Mosaic law, and that the state was bound to defend the church—that is, to deal with dissentients.[2] John Davenport held that planters were "Bound in laying the Foundations of Church and Civil State" to admit none but church-members to a part in the civil government. While the great Calvin, in his *Institutes of the Christian Religion*, distinctly says, "I do not allow men to make laws respecting religion and the worship of God," on the other hand he maintained that "It is impossible to resist the magistrate without, at the

[1] On the New England church, see references in Channing and Hart, *Guide*, § 118; cf. Merriam, *Am. Political Theories*, 19.
[2] Merriam, *Am. Political Theories*, 8–13.

same time, resisting God himself." [1] These uncertain and somewhat conflicting theories were used to gloss over the fundamental contradiction of the Puritan commonwealth—namely, that while founded as a protest against religious despotism, it exercised a like despotism over those who came into its midst. So thought the Antinomians, in 1636, whose crime was to a large extent that they publicly criticised the sermons of the ministers; and the Quakers, in 1660, whose somewhat unseemly protests were held to be "rebellion, which is as the Sin of Witchcraft." [2]

The Puritans were substantially at one with their brethren in the Middle and Southern colonies, as to the essentials of religion. Their pitiless doctrine of election was the same as that of their Presbyterian neighbors; and both agreed with the Episcopalians in the fundamental doctrines of the Trinity, depravity, the atonement, and justification by faith. All the churches alike read, quoted, and inculcated the Scriptures; all of them believed in and sought for an educated ministry. In all parts of the colonies religion was a genuine thing, an essential of human life. The ideals of theology were narrow but those of conduct were high, and no part of the world enjoyed so much religious toleration.

During the eighteenth century the American Church gained in size, strength, and complexity, but lost in intensity. After nearly a century of

[1] Hart, *Contemporaries*, I., 324–330.
[2] *Ibid.*, 382–386, 484–487.

existence the Puritan theocracy broke down forever, because it came to be a hinderance to the real religious life. In 1700 Yale College was "first concerted by the ministers." Cotton Mather, in many ways the largest man of his day, vainly struggled to prevent the liberalization of Harvard. One mighty spirit arose thereafter in the person of the renowned Jonathan Edwards, who, while awakening his hearers by terrorizing sermons on their future life, worked out a system of theology which, however harsh, held the church to be a thing apart from the state. Meanwhile Episcopacy invaded New England, and in 1715 received a secession of Congregational clergy in Connecticut. The Church of England, till the Revolution, remained the undisputed state church of New York and the South. Hence George Washington, the squire of the neighboring estate of Mount Vernon, was a kind of public official when he sat as church-warden in the church at Alexandria. The German immigrants brought several new sects into the New World, especially the Mennonites and the Moravians, or United Brethren.

The time was come for a new religious movement, which, initiated in England by John Wesley and his gentler brother Charles, for the purification of the Church of England, developed into a separatist movement. With all his intensity, the true Puritan was dignified in public worship and reserved as to the inner struggles of his soul; while the Episcopal church required no outward evidence of a total

change of the guiding principle of a man's life. It was an innovation when Jonathan Edwards made use of revival methods at Northampton in 1734; and even he protested against the new methods of others. Nevertheless, in 1740, under the influence of the Wesleys and especially of Whitefield—who made three journeys to America, and died here—came the Great Awakening, an appeal to the emotional nature and indirectly a protest against the rigidity of Puritan theology. Protest and indifference were alike too weak to stay the movement. The "New Lights" invaded the Congregational church; the Baptists, who had had a footing in Rhode Island from its earliest history, gained ground; and the newly organized Wesleyan or Methodist church began to take root on the frontier. The ministers of these sects, though often fanatic and uneducated, appealed both to love and to fear, and they helped to open up a new religious era in America.

For some time the inevitable consequence of this movement was not perceived—taxes were still levied on all residents for the support of the Congregational church in New England and for the Episcopal church in New York and the Southern colonies. Towns or parishes built and maintained churches and paid the minister, and the Parson's Cause in Virginia in 1767 turned upon an attempt to reduce the salary of an established clergyman. Plainly the existence of the new sects was incompatible with such a system of preference to two of the older denominations.

For the time being people were satisfied with a broader toleration. Religious qualifications were slowly modified, though the state still took responsibility for the observance of the Sabbath and the punishment of blasphemy and like offences. Most colonials had a personal relation to some of the organized churches, but such a man as Franklin could be very near a free-thinker without bringing down upon himself public odium. Indeed, why should not free-thinking be allowed in a community like Philadelphia, where the Catholics had a church, where the Jews had a synagogue, where the New Lights openly worshipped;[1] or in New York, where the beginning of Universalism can be traced.

The ideals of religion were changing; less stress was laid on election and more on public righteousness; but religion was still a part of every-day life: travellers on the road discussed doctrine and politely devoted one another to damnation.[2] Religious and devotional books were widely circulated, and that mournful and unmetrical poem, Wigglesworth's *Day of Doom*, was the favorite family reading.

Nowhere did the Revolution more disturb tradition and vested privilege than in the domain of the relation of church and state. It was a period of general liberalizing of thought, in which the liveliest patriot writer, Thomas Paine, was also the most aggressive atheist of his time. One of the deep causes of the Revolution was a fear of the New Eng-

[1] *Hamilton's Itinerarium*, 22. [2] *Ibid.*, 8, 19, 37.

land colonists that a bishop was to be sent among them; and when the missionary of the English church to the benighted in Cambridge built a handsome house there in 1761, it was dubbed the "Bishop's Palace." [1]

For these reasons, and because of a political philosophy which denied prescriptive rights, the Revolution led to two important changes in the constitution of the American Church. The first was the withdrawal of religious qualifications for the voter and to a large extent for the official,[2] a movement in which Thomas Jefferson, of Virginia, was the leading figure. The other was the disestablishment of the Episcopal church in New York, Virginia, and the Carolinas. The ideals of the time were placed in the First Amendment of the Federal Constitution, which forbade Congress to make any law "respecting an establishment of religion, or prohibiting the free exercise thereof." [3] Forty years later the process was completed by the withdrawal in the New England states of taxes for the support of the Congregational church; therefrom, to the present day, the only attempt to establish a state church has been in the territory of Utah.

Thus the American Church, as a part of the state, ceased to be; but the American Church now found

[1] Cross, *Anglican Episcopate and Am. Colonies*, 155.
[2] Miller, *Qualifications for Office* (Am. Hist. Assoc., *Annual Report*, 1899, I., 1–15).
[3] Cf. Merriam, *Am. Political Theories*, 194–196.

the way clear to become a genuinely national institution; for between 1784 and 1789 were organized the national councils of the Methodist, Protestant Episcopal, and Catholic churches (each with its first American bishop), and the Presbyterian church; and about the same time national organizations were perfected for the Universalist, Baptist, Dutch Reformed, and German Lutheran churches. Thus came about that opportunity of mutual acquaintance and interest in common problems which has so enlarged the outlook of the various American churches.

Side by side with this movement goes that for religious communities. About the time of the Revolution appeared the Shakers, celibates who lived in what were practically convents of the medieval type. The Catholic church soon began to establish monasteries and nunneries as in other countries. The forty years after the Revolution was a period of great religious excitement among what seemed exceptionally intelligent and thriving rural communities; hence in western New York grew up about 1830 the Mormon church, which in the course of the next twenty years twice moved westward, until it brought up in 1847 in Salt Lake City.[1]

The emotional methods of half a century previous were revived and underwent new development through the outbreak, in 1800, of a system of revivals such as the country had never known before. The

[1] Davenport, *Primitive Traits in Religious Revivals*, 185–188; Shaler, *United States*, II., 605.

movement began among Scotch-Irish Presbyterians, in the backwoods of Kentucky, headed by the Rev. James McGready, of whom it was said that "the fierceness of his invective derived additional terror from the hideousness of his countenance and the thunder of his tones." His meetings were enlivened by hysterical contortions called "falling," "jerks," "barking," "the holy laugh," and "treeing the Devil." [1] Down to the present day, in remote communities, this process, more commonly called "the power," is still thought to be the only mark of thorough conversion. Later came periods of revivals less marked by hypnotic outbreaks. In the thirties, Rev. Charles G. Finney, later president of Oberlin College, was a noted revival leader; and during the commercial panic of 1857 there was a great revival throughout the country. All this means that a type of religion beginning in the far West, amid an uneducated ministry, found its usefulness in a modified manner in much more highly civilized communities. The prime object of the revivalist was to arouse his hearers to their sense of a need of a better life, to call attention, not to the abstract doctrines of religion, but to the need of a personal peace with God; to appeal for a radical change of moral purpose.

Some of the churches, notably the Catholic and the Episcopal, were never much affected by this religious excitement; but they were drawn into other movements for the salvation and the elevation

[1] Davenport, *Primitive Traits in Religious Revivals*, 60–86.

of the lowly and the friendless. The organization of Sunday-schools spread about 1830 into the United States, and was at once made an adjunct to other religious work and a feeder of the churches. In 1807 began the establishment of foreign missions; to the Indians and the frontiersmen home missionary societies carried the gospel; while Bible and tract societies multiplied religious literature. This whole propaganda is closely allied with the movement for humanitarian reform, which has too much overshadowed it in historical literature. The narrowness of the churches was also affected by the Unitarian movement, which from 1800 to 1830 split the old Congregational, thenceforward called the Orthodox, church in New England.

The Puritan doctrines of total depravity, election, and the like lost their interest or changed their meaning. The Americans had no longer the ideal of an official church in each community; they had gained the conception that the church had the duty to "go out into the highways and hedges and compel them to come in."

Between 1830 and 1860 the great churches lost unity, for the same reason that state rights grew: the Methodist church hopelessly split into northern and southern branches because of slavery; the Presbyterians divided from doctrinal differences; while the immigrants brought in many new sects with them. The one church which showed vigor, consistency, and growth was the Catholic, which in 1790 num-

bered not more than 30,000 adherents in the United States, in 1830 claimed 600,000, and in 1860 had about 4,500,000.[1] To be sure the Irish and German Catholics did not fuse into common churches, and the holding of the title of church property by the bishop disturbed some congregations and aroused prejudice from outside; but it was even then pointed out that Catholicism has many of the elements of democracy.

What the American Church lost from a decline of its religious authority and from its own division was made up by its coming forward as the leader in the higher education of the nation. The ministers were often educated and usually men of some intellectual grasp. Without exception the Protestant churches insisted on Bible study; many good men and women read the Scriptures through at least once every year, children committed great quantities to memory, and ability to recognize Scripture allusions was necessary to the educated person. Most of the sects founded denominational colleges which boasted of just the kind of religious teaching which made them good places for the children of other churches, yet did not prevent special emphasis on the doctrines of the fostering church. Such colleges helped to uplift the frontier and to energize the whole country; and the religious exercises by all the students—daily or semi-daily prayers, and from one to three weekly sermons—made them adjuncts of the regular

[1] Hecker, *Catholic Church in America*, 18.

churches. Here it was that the clergy made up for their steadily declining political influence. By statute or custom ministers were shut out from legislatures and city councils; but if they could not make laws they helped to form the law-makers. "There is no country in the whole world," said Tocqueville, in 1835, "in which the Christian religion retains a greater influence over the souls of men than in America." [1]

Since the Civil War the American Church has become increasingly complex. In the first place, new sects and new segments of existing churches have been developed, till a country village may have from two to five struggling little churches of rival denominations. The French Canadians brought with them a third racial branch of the Catholic church; while the Russians, Greeks, and Syrians introduced the Greek Catholic rites. The Mormons, by steady proselyting abroad and at home, brought their numbers up to 350,000; the Jews are about 1,000,000; the Spiritualists count about 300,000 adherents; the Christian Scientists have 100,000 communicants; the Catholics about 11,000,000 communicants, which includes all the older children. On the other hand, the Methodists alone number about 6,500,000 communicants, representing probably 15,000,000 people; the Baptists 5,000,000 communicants. Each denomination feels sure it is gaining, and there can be little doubt that sixty or seventy millions out of the

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 303.

ninety millions of Americans in 1907 considered themselves connected with one or another of the national churches.

The evangelistic movements of the time have served to draw the churches nearer together in union meetings, and the Catholics unite with the Protestants in temperance and similar social reform agitations. The Protestant churches have combined in series of uniform Sunday-school lessons, in joint religious and revivalistic services, in which Dwight L. Moody was a great force; and especially in the Young Men's Christian Associations and the Young Women's Christian Associations, which in the cities are clearing-houses of religious activity. The young people of the various churches are assembled in immense societies of Christian Endeavor, Epworth Leagues, Saint Andrew's Guilds, and the like; and in 1895 there were thirty different church missionary societies. Through what is called the Institutional church, many Protestant denominations are doing what Catholics have always done, making the church and its adjacent buildings the centre of the social life of the congregation.[1]

In education, most of the churches of late years have lost prestige. The public schools are necessarily non-sectarian, and the practice of reading a few verses of Scripture is held by the Catholic church to be sectarian. On that and other grounds they set up parochial schools, whenever they can, and

[1] Bryce, *Am. Commonwealth* (ed. of 1901), II., 720.

sustain their own colleges. At the other extremity of education the state institutions, in which commonly there are no required religious exercises, draw away students from the denominational colleges. Apparently the office of the Protestant churches as the special conservator of general education is passing away.

In the last three centuries certain ideals have been pretty definitely worked out in America with regard to religion, and especially as to the relation of church and state. Probably at no time has there been a stronger feeling of a common Christian purpose than at present. As Bryce says: "No political party, no class in the community, has any hostility either to Christianity or to any particular Christian body. The churches are as thoroughly popular, in the best sense of the word, as any of the other institutions of the country." [1] With the exception of a trifling mission of Buddhists, and some militant professional atheists, nobody attempts to undermine Christianity. All the churches save the Unitarians and the Jews hold to the old-fashioned Trinitarian form of belief; every church accepts the Old Testament Scriptures, and even the Jews cordially receive the ethical teachings of Jesus. Few of the churches make any systematic effort to proselytize from other denominations. Among the Protestant sects the example of the commercial corporations has been taken to heart, and

[1] Bryce, *Am. Commonwealth* (ed. of 1901), II., 711.

there is now a movement for the union of denominations which lie close together in doctrine and in government.

The country has completely accepted a second noble ideal, that of religious toleration. In not a single state has any church a majority of the voters so that it could conceivably make use of the state government. Religious qualifications for voting and for office have quite disappeared. Toleration is the atmosphere in which most of the churches have grown up, and of course toleration of belief must include toleration of unbelief.[1] The principle goes still deeper: within a church there is more toleration of dissent than used to be the case. Heresy hunts are not unknown, but are commonly supposed to spread the doubtful doctrine to those who would otherwise never hear of them. Fear gives place to love and creeds to conduct. The gospel commonly preached is not that of church doctrine but of endeavor.

In the third place, there is a common ideal that state and church are not only separated but that they have an equal interest in remaining separated. The strongest element in the American Church in all its subdivisions is the voluntary support of its adherents, who pay for their own worship. The two attempts in 1854, and again about 1895, to build up anti-Catholic parties have been failures. Nobody wants to drive away his neighbor of another faith.

[1] Shaler, *United States*, II., 606.

Nobody expects the church to receive state support, and no state desires to give it.[1]

It remains to ask how far religion is still a vital force. Many Americans prefer to offer up their prayers in private and to keep their spiritual life to themselves, so that there is less appeal to experience than used to be the case. Yet the interest in the occult has not been diminished by the progress of civilization; the distinctly mystical churches have a large and increasing following; and any man of strong and aggressive mind, who sets his heart upon it, may hope to build up a church in which he will be recognized as the prophet and the profiter; but outside such organizations the highly emotional type of religion is confined chiefly to the negroes and to the frontier. Undoubtedly the religious motive has altered: hell-fire has paled and ceases to make afraid. Perhaps for lack of the old-time terrors many parts of the rural regions have gone backward, religiously and morally.

The main influences against the religion of the old type are modern science and good conduct. The scientific world, and with it, unconsciously, the rest of the world, has accepted Darwin's theory of natural development, which is at odds with the Garden of Eden and denies the fall of man. In the other direction the moralist, whose attempt to gain salvation "through filthy rags of works" once enraged the Puritans, walks the earth unabashed; a

[1] Eliot, *Am. Contributions to Civilization*, 311.

surprising number of people, who make the best of neighbors, send their children inside no church; and the intimate knowledge of Scripture has already been lost by the rising generation. The old Protestant theory was that the saved would be few; nowadays numerous good-natured men feel sure that they will be many, and that they are included without the aid of any church. In city and country the ideal of church-going has declined. Conduct, however, has improved: the average morals of the country are probably higher than in colonial times, in spite of the sewer of criminal news always leading men to crime. Toleration is absolute, church organization in general less strict than ever before. The religious condition of the land may be summed up in a sentence: doctrine has decayed, but the appeal to character, to the ennoblement of the human soul, still continues and is as active a principle as it has ever been at any time in the history of the nation.

CHAPTER XII

"I WANT TO KNOW!"

AS the historian supervises all other branches of learning through his function of recording what they accomplish, so the literary man is captain over men's ideals, inasmuch as through him they find expression. The quaint and disappearing Yankee locution "I want to know!" means not so much inquiry as sympathy and admiration for another's mental processes. But it may stand well enough for the effort to give to the mind an outward expression through any of three media: through education, the means of passing learning on from age to age; through literature, the articulate voice of the people; and through art, the revelation of the inner soul.

In these respects, as in many others, Americans have built upon ancient foundations. To all the colonies came graduates of the English universities, steeped in classics and Hebrew; they at once began to set up schools on the English model, and within six years of the founding of Massachusetts was established Harvard College, followed in 1693 by William and Mary in Virginia. In 1650 the little

colony of Connecticut voted to establish schools in every township, "It being one chief project of Satan to keep men from the knowledge of the Scripture by persuading from the use of tongues, to the end that learning may not be buried in the graves of our forefathers, in church and commonwealth." [1]

For their literature the early colonists turned to the mother country. Was not John Milton a sufficient poet for American Puritans, even if Mrs. Anne Bradstreet piped but a treble note? even if the Bay Psalm Book baldly set forth that

> "The earth Jehova's is,
> And the fulnesse of it:
> The habitable world, & they
> That thereupon doe sit"?

In John Smith, Bradford, and Winthrop the colonists developed three writers who are still read for their style, their narrative, and their liveliness. As for art, the southern colonies had no leisure, and the Puritans took no delight in the legs of a man. They had not even means to reproduce the churches of their old home, except a few venerable buildings like Bruton and Smithfield churches in Virginia. Schools, colleges, writers, and buildings, it must be owned, were crude affairs in the seventeenth century, even though filled with a devout and high-minded spirit. So far as outward civilization goes, the Spanish colonies were far in advance of the English in print-

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 37.

ing, in writing, in education, and in monumental buildings.[1]

In the eighteenth century the colonies in every way showed an intellectual advance, and at the time of the Revolution learning, both of the simple and of the broader types, was more widely distributed than in England. A small stream of educated immigrants continued, among whom were the Moravians, diligent printers. Schools increased, and in New England the towns supported the public education of boys. Parson Wadsworth advised his parishioners in bringing up children to "Teach them the Scriptures; charge them to live soberly, righteously, and godlily; endeavour the preventing of idleness, pride, envy, malice, or any vice whatsoever; teach them good manners (A civil, kind, handsome, and courageous behaviour); render them truly serviceable in this world." [2] Latin schools and academies grew up in the larger places, and new colleges—Yale, Princeton, King's, Rutgers, Brown, Dartmouth, and the University of Pennsylvania. Gifts came from overseas, from Elihu Yale and the Hollises, merchants in London, from benevolent societies. The students began to take charge of their own education, and to have "another Fight with the Sophomores." [3] From these educational opportunities the girls were almost

[1] Bourne, *Spain in America* (*Am. Nation*, III.), chap. xx.
[2] Eliot, *Am. Contributions to Civilization*, 349.
[3] Hart, *Contemporaries*, I., Nos. 89, 137, 171; II., chap. xiv.; Hart, *Source Book*, 122.

entirely shut out; yet such intellectual and lovable women as Mercy Warren and Abigail Adams—the Portia and Cornelia of the Revolution—were a sufficient evidence that only half the community had a fair chance at learning.

The intellectual ideals of the period are best shown in the writers of the time. Addison, Goldsmith, and Sam Johnson were national authors read in America, and upon English models appeared works by Americans born. Freneau's verses, Barlow's *Vision of Columbus*, and Trumbull's satire of *McFingal* were as well worth while as the English minor poets; Dickinson, Witherspoon, and Tom Paine could excoriate the king or each other quite like Junius; Jonathan Edwards was the most striking and original theological writer of the century; and Benjamin Franklin was not only the most genial and humorous of American writers, he was read abroad, his *Poor Richard's Almanac* was the daily food of the people, and he took his place among the world's writers. The colonists had their artists also, especially Smibert, Copley, who is comparable with Gainsborough, and Benjamin West, who was successful in England. In architecture, Sir Christopher Wren by example built many of the churches, though he never saw them; and the robust and manly Georgian style appears in state-houses and comfortable family mansions. In art, as in literature and education, America as yet had produced little that was original, much that was ingenious; but had gone further than

any other nation in popularizing the simple elements of intellectual life. Most New England boys and girls, except on the frontiers, could read their spelling-book and their Bible, and were accustomed to the intellectual exercises of the pulpit. The Revolution stimulated political writing—the pamphlet, the disquisition, and the treatise—but did not arouse a single novelist or historian or essayist or poet on a grand scale.

Another half-century of preparation was necessary, and the first phase of it was the great increase of schools and colleges between 1775 and 1825. Just as the Revolution was closing, the New England schools became genuinely public, in the sense that they were opened to the girls as well as boys, and that the rural communities were compelled to establish district schools. The pressure was now felt in the middle states, where from 1815 to 1835 public schools were established; but, notwithstanding Jefferson's longing for public education, no southern state had an efficient system of rural schools previous to the Civil War. Improved text-books were introduced, notably *Webster's Spelling Book* and *Colburn's Arithmetic*. Academies were founded, some of them for the education of boys and girls together; and the colleges made great advance in numbers, in resources, and in the number and character of their students.

No date can be fixed when by common consent Americans became more intellectual; but after 1830, in that field as in politics and business life, the condi-

tions are radically different. The public schools up to that time were places where people might be educated rather than where they must be. In the most enlightened states they had poor buildings everywhere, and wretched buildings in the country; insufficient books, little system, untaught teachers, and small sense of responsibility. In 1837 Horace Mann in Massachusetts, in 1839 Henry Barnard in Connecticut, came forward as the first of a class of professional educators; and they set their minds to the problem of reform by training the teachers in normal schools and by educating the public to spend the necessary money. The first thoroughly organized city schools date from the same period; and most of the states passed new general laws, increasing the range of public education; while in a few favored cities public high-schools were set up, even including the girls.[1]

Parallel with the improvements in lower education was the development of the first American Universities. In 1765 the University of Pennsylvania, and in 1782 Harvard College, set up medical schools. In 1722 the Harvard Divinity School was established as the first theological school connected with a university. In 1815 appeared the Harvard Law School; and from that time onward the large institutions, such as Yale, Columbia (formerly King's), and the University of Pennsylvania, added new departments or faculties. In 1847 the Sheffield Scien-

[1] Shaler, *United States*, II., 314–322.

tific School was established, the first recognition that scientific professional instruction was a duty of the university. A few enthusiastic Americans who, after 1815, went to Germany, brought home doctors' degrees and a new spirit of investigation and specialist learning. In the same direction moved the University of Virginia, which was the triumph of Jefferson's latter days; for in that institution, opened in 1825, there was a freedom of study and a sense of the need of high training among the professors which affected not only the South, but was an example to northern institutions.

Alongside these universities grew up separate scientific and professional schools, such as West Point Military Academy, the Jefferson Medical School of Philadelphia, and the College of Physicians and Surgeons of New York. Several of the denominations set up theological schools for their own clergy. This advanced and professional instruction reflected a change in the ideals of professional life. Colonial medicine was an empirical science, founded on nostrums; and lawyers were looked upon with suspicion; while, except a few university professors of physics and astronomy, there were no scientific men, and the clergy was the only learned profession. By 1830 this was changed; there were plenty of quacks, but also a body of well-trained and sensible doctors, including eminent surgeons. The lawyers in and after the Revolution were the accepted political leaders of the country. The scientific enthusiasm of

the time was shown by the discovery of the first practicable electric telegraph by Morse, and by the growth of such technical schools as the Rensselaer Polytechnic Institute at Troy, founded in 1824. The clergy, on the other hand, owing to the growth of new sects, included many poorly educated men, and consequently the cloth lost prestige and dignity.

The same causes that interested people in new forms of education brought about a national literature. Up to 1820 Franklin was the only American writer who could not have grown up in England; even Washington Irving wrote on English subjects or in a traditional English manner. All at once there appeared a splendor of style, a variety of points of view, a richness in the portrayal of human experience, which marks the Americans of that time as a literary people, at the zenith of their intellectual life. The new spirit appeared in the newspapers, which till this time had been stale, flat, and unprofitable. James Gordon Bennett, in the *New York Herald*, carried out a great ideal of collecting news from every possible source. William Cullen Bryant, in the *Evening Post*, Horace Greeley, in the *New York Tribune*, and Henry J. Raymond, in the *New York Times*, made the newspaper attractive by a fresh and vigorous treatment of the concerns of this world; and in all the cities newspapers nourished the intellectual life by their appeal to reason and to the public good. For the first time Americans came forward in fiction. Cooper's novels created a new realm of impossibly

clean Indians and incredibly accurate frontier marksmen; but the people in his books lived and moved, and the world had to know them. Then came Hawthorne, that subtle genius, that miracle of combined Puritanism, mysticism, and delicate imagination, that Raphael of novelists. Then was the triumvirate of poets: Holmes, the debonair; Longfellow, the sweet singer; Whittier, embodiment of Quaker fire. Greater than them all, James Russell Lowell, loftiest of American poets and at the same time the most humorous. It was a period of renowned orators, such as Edward Everett, the silver-tongued; Henry Ward Beecher and Wendell Phillips, champions of the lowly. It was the day of the essayist, most of whom are obscured by the greater brilliancy of Ralph Waldo Emerson, the nestor and the culmination of American literature. It was the age of George Bancroft and Prescott and Motley, who gave their lives to history as other men to business; and, overtopping all three of them, Francis Parkman, the great American exemplar of the power of the imagination to infuse and explain history.

In every direction but one, since the Civil War, the nation's intellectual ideals have been enlarging, but the sad decline is in literature. As the great figures of the earlier period moved off the stage, few arose to replace them. Artemus Ward was funny, but no substitute for the "Biglow Papers"; Winston Churchill makes his countrymen live, but they are little like the exquisite cameo figures of Hawthorne.

A national poet does not exist at the present moment. The most encouraging field of American literature, modestly stated, is history, in which there has been a great popular interest; and a group of writers, especially Rhodes, McMaster, and Lea, have shown the intellectual vigor of old times.

As for journalism, the ante-bellum type of an editor expressing himself through a newspaper has given place to that of a newspaper supporting a proprietor. The world is literally harrowed for news, and the Sunday paper is a magazine, an encyclopædia, a library of wit, wisdom, sport, and twaddle. Yet the newspapers were never more influential; the Washington correspondents of the great dailies are more powerful than Congress, for they make and unmake congressmen. The difficulty is that the newspapers no longer look upon themselves as the nation's heralds, who by their trumpet-blasts announce the coming of the sovereign people; the great newspaper is no longer a voice—it is a property. To some degree the old functions of criticism and public instruction have been taken over by the magazines; and no reading-matter is more attractive and vivacious than the illustrated monthlies—*Harper's*, the *Century*, *Scribner's*, and the rest. Nevertheless, the ten-cent magazine has assumed to be the great moral influence of the country, and has undermined the lurid "story-papers" of a previous epoch; but, like the dailies, they all live on advertising, and the ten-cent magazine may go down to a nickel weekly, and that to a

one-cent yellow journal, and that to a take-it-for-nothing-if-you-will-buy-our-soap. If people have not a flow of new literature, they are still free to drink from the old fountains; and the colleges and upper schools nourish literature by analyzing it.

Education has made more improvement since 1860 than in the two centuries previous, and all the states now have public free schools for all classes and races, and many of them also maintain public universities. The rural systems are still very deficient, especially in the sparsely settled southern states; and the district schools are what they always have been, places where only bright and willing children really get an education. The city systems have availed themselves of highly trained teachers, rational school-houses, and expert superintendents, backed up by an intelligent public interest. For secondary education the country is planted with more than six thousand free high-schools, besides the boarding-schools, church schools, and endowed academies for the children of the respectable rich. The great public-school systems have the faults of army life—formalism, marking time, red-tape, and movement by platoons instead of by individuals; but no part of the American system is more subject to converging criticism; if the schools accept a tithe of the excellent advice that they receive, all will go well.[1]

[1] For the most incisive and appreciative criticism of American common schools, see Eliot, *Contributions to Am. Civilization*, 116, 117, 201–232; and especially Eliot, *Educational Reform*, passim.

As for higher education, Bryce says, with truth: "While the German universities have been popular but not free, while the English universities have been free but not popular, the American universities have been both free and popular." [1] The system of state universities has since the Civil War taken a place side by side with the company of endowed institutions. Congress has aided by an enormous gift of public land in 1862 for agricultural colleges and by annual money subsidies. The northwestern states have had the civic pride to build up universities with thousands of students and annual millions of public expense. One southern state, Texas, and the far western states have followed this example; but in the older northern and southern states the endowed colleges, some of which have thirty millions of wealth, perform the same service. Allied with this double system is a complex of denominational colleges, mostly small and struggling. Thus there is as yet no unity of college system; but about twenty-five powerful institutions are forging to the front and are likely to educate nine-tenths of all the graduate and professional students; and the smaller institutions are taking a position as offering a different kind of education, not inferior in quality, but more limited in scope. Perhaps the most striking and American part of the whole educational uplift is the opportunities for women, who in the East have half a dozen separate colleges of a high type and in the West are admitted

[1] Bryce, *Am. Commonwealth* (ed. of 1901), II., 692.

on equal terms to the public universities and to most of the endowed colleges.

A part of the nation's education is through its places of public enlightenment. There are museums of American antiquities, such as the Field-Columbian, in Chicago, and the National, in Washington. The rich state of Connecticut participates by a glass case in the state Capitol containing a charm of two thousand different buttons. Above all there are the libraries, public and private, university and city, housed in such palaces as the Boston Public, the New York Public, and the superb Library of Congress. If the American people still ejaculate, "I want to know!" the opportunities of knowing are unstinted.

Disturbed and confused as has been the intellectual history of the country, the present intellectual ideals are not difficult to trace.[1] First of all is the sense of intellectual kinship with other countries and particularly with England. English writers find much of their public on this side of the water, a compliment which is little reciprocated. Germany, through the great number of American professional men, teachers, physicians, musicians, and artists trained in their country, and through her literature, is another source of American intellectuality. France is the mother of American art. Those who think at all

[1] Cf. the discussion in Bryce, *Am. Commonwealth* (ed. of 1901), II., 761–766.

look upon themselves as members of a great international brotherhood of intellectual people.

Democracy cannot be said either to feed or to starve the mind, but it does provide food for it. There was a time when Americans were fond of roundabout and turgid expressions, of spread-eagle speeches; but Parkman and Lowell and Emerson and Lincoln, all masters of English style, sprang out of democracy. Democracy encourages and enjoys the humor which everybody notices as characteristic of the American; and is there a more typical American in the world than Mark Twain, to whom all the world owes gratitude for his writings? The orator has lost his favor; even the hero of a thousand after-dinners finds no friends in his downfall. Democracy favors and trains men who can convince by reason and illustrate by wit and fancy; but American democracy is not carried away by rhetoric and does have intellectual ideals which it applies to its great men.[1]

The chief obstacle to intellectual ideals is the rivalry of other things. If a man loves power, if he is proud of bringing things to pass which his neighbors observe, money-making is the distinguished career. If he enjoys having an influence over other minds,

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 61–82, passim; Bryce, *Am. Commonwealth* (ed. of 1901), II., 799–807; Godkin, *Problems*, 45–61; Muirhead, *America*, 128–142, 166, 187, 279; Eliot, *Contributions to Am. Civilization*, 29, 83, 199; Crooker, *Problems*, 28–31; Wells, *Future in America*, chap. xiv.

politics is the direct road to that goal. If he likes to be interested and pleased, it is easier to go to the theatre than to go to college; and easier in college to be a ballet-dancer in a fraternity play than to win a prize for an essay. Reading for amusement runs from the novel to the short story; and people like to be amused just as their neighbors are, so that they buy the "best-selling book of the year." The path of literature is as thorny as the path of business, and is less likely to lead to that distinction in other people's eyes which is so much valued by mankind.

When all this has been said, it does not militate against the hard fact that intellectual men are sought by the nation in every field, though Americans realize that intellectual training does not always or necessarily come from academic surroundings. What the American wants is to see the work of the world done, and those who have the largest grasp, the greatest power of understanding their fellow-men, whether at the head of a corporation, a college, or a government, are the men who fulfil the American ideal of greatness.

CHAPTER XIII

THE BUSINESS MAN AND THE GOVERNMENT

IF the intellectual man is wanted in the American world of affairs, that is a lucky thing for him, because in most of the concerns of America the dominant person is the man of business. Behind his own counter he is unquestioned master; in politics he dictates platforms and laws; he supports religion, and expects from the pulpit a decent oblivion for his faults; he demands the practical in education. Yet he finds himself enwrapped with a mesh of restrictions and prohibitions which men call government control. The national ideal is that of individualism, of the right of every man to make his own destiny; the national ideal is as strongly that the interest of the community overrides that of any individual or of the mass of individuals. As Godkin says, "The history of nations is the history of incessant attempts, fortunate or unfortunate, to better themselves";[1] and in that process America, like other communities, must choose between bettering people and bettering the people.

Individualism got a long start in the colonies, and

[1] Godkin, *Problems*, 308.

the business man arrived before the missionary and the school-master. Columbus was after gold; the London Company after profit; and even the Plymouth Pilgrims had the laudable aim of paying their debts. The typical colonial business man was a combination of many lines; thus the house of John Hancock bought wood, furs, and ashes, and sent them over-seas; imported hardware, dress-goods, Madeira, or coal, and sold them for cash, for trade, or for ships; sold the ships, or sent them to sea; drew and received drafts and acceptances; made charcoal iron; was in itself a board of trade and a clearing-house. All business was speculative, because of the uncertainty of prices and the losses by shipwreck and piracy, and several lines of trade long since closed to upright business men were enjoyed:[1] merchants paid pew-rent out of slave-trading, built churches with the proceeds of lotteries, and even bought a pirate's surplus stock on the sly. The people were poor and scattered; business was little organized, and only a few men previous to the Revolution got rich out of trade.

Long before the Revolution both home and colonial governments began to restrict the activity of the merchant and to put up artificial barriers to the course of trade. The tradition in England was that governmental functions were narrow; and except for the poor-laws for the benefit of landholders, and a

[1] Andrews, *Colonial Self-Government*, chap. xix.; Greene, *Provincial America*, chaps. xvi., xvii. (*Am. Nation*, V., VI.).

protective system for the woollen industry, there was a conception of non-interference which passed over to the colonies. On the other hand, the system of commercial corporations, which in England was distinctly to the advantage of the individual, was not transferred to the colonies. Taxes were very low, intercolonial trade little restricted by the colonies, and *laissez-faire* was the colonial principle.

Against that principle militated the English navigation system, or "acts of trade," intended to exclude foreign shipping from British colonial commerce and to compel the colonies to send most of their exports and receive their imports through England. This serious limitation on colonial trade, begun in 1651 and re-enacted and enlarged down to the molasses act of 1764, would have been burdensome but that the colonies evaded it. They could not so easily elude the slave-trade, which they were forbidden to regulate, nor the British prohibitions on paper money. On the other hand, the acts of trade gave them some advantages, especially in the export of ship timber, masts, and other naval stores; and they received some small direct bounties for silk and other industries. On the whole, the individual was less conscious of government in the American colonies than anywhere else in the world.[1]

When the states got their head in the Revolution

[1] Howard, *Preliminaries of the Revolution* (*Am. Nation*, VIII.), chap. iii.; Ashley, *Surveys, Historic and Economic; Am. Hist. Leaflets*, No. 19; Hart, *Contemporaries*, II., chap. xiii.

they began to regulate commerce in new ways. The first Maryland constitution contained a prohibition on monopolies, and the states gave a great shock to property by confiscations from the Tories, by stay and tender laws interfering with the collection of debts, and by paper money. After the Revolution they began to pass protective tariff acts, applying even against sister states. The federal government during the same period first boycotted English trade by the Association of 1774, and then prohibited it as commerce with the enemy. It also issued paper money, chartered the Bank of North America,[1] made commercial treaties with several European powers, and regulated Indian trade. Here was a large field of government control, which continued after the excuse and pressure of war had passed by. It had become an American ideal that neither state nor federal government could be successful unless they undertook a thorough-going regulation of commerce.

In fact, there was too much regulation of commerce, because it was lodged in thirteen different hands; and therefore the federal Constitution of 1787 simplified the matter by withdrawing from the states all control over foreign and Indian trade, and practically over interstate commerce as well; from the further issue of state paper money; and from the impairment of contracts by special laws. The business man was thus in part transferred to the mercies of a government new, untried, and little disposed to

[1] Lewis, *Bank of North America*, 27–37.

hamper him. On the other hand, that government possessed such powers of taxation, of control of the territories, of post-offices and post-roads, of bankruptcy and currency, as made it to a large degree the future arbiter of the business-man's destiny.

These new powers were speedily to find occasion, since after the Revolution American commerce grew rapidly. Ships were cheap, most Americans were born within smell of salt water, and somebody had to carry the agricultural products which were then the chief staple. During the Napoleonic Wars American ships had such advantages in foreign trade that large fortunes were made outside the normal import and export commerce. New avenues of trade were opened up, first with China, then with India; the Pacific whaling industry grew important; and before 1860 the Americans came to have a commercial marine surpassed in tonnage only by Great Britain, and in skill and success by no power. They competed for the steam-carrying trade to England; they shared in the immigrant traffic; and it was a Lowell enriched by the shipping trade who expressed the pride of the ship-owner when he remarked, apropos of a friend who had helped to open up Calumet and Hecla copper, "I should not like to think that any of *my* money had been made out of mines."

The profits of shipping, partly in hard dollars, furnished a basis for a new financial organization, of which the first evidence was the founding of joint-stock banks between 1781 and 1800, both by the

states and the United States. It was this class of capitalists who took the securities of the new United States and who opened up the possibilities of stock companies with limited liability, for insurance, turnpikes, canals, and the early manufactures, for up to this time almost no business corporations had been chartered in America, except a few insurance companies.[1] The notes of the banks formed a permanent paper currency, and helped to build up a credit system and a sense of financial solidarity. Till the embargo year of 1807, most of the money made went to vessel owners, who were commonly also merchants, and to middlemen. Then arose a national system of manufactures. Hamilton, in 1790, drew up a list of seventeen manufactures, which, except ships, were all on a small scale and for a limited market;[2] and it was nearly two decades before the manufacture of textiles in factories began on an important scale, and two decades more before the manufacture of iron directly from coal was profitable. From the tariff of 1816 manufactures were established as an interest rival both to the farmer and to the vessel owner, and furnished a new opportunity for investing capital, which was rapidly reproduced. Some of the textile mills always depended on water-power, and hence manufacturing cities grew up around the rapids of

[1] Baldwin, "American Business Corporations Before 1786" (*Am. Hist. Rev.*, VIII., 449–465, April, 1903).

[2] Hamilton, *Report on Manufactures*, in *Works* (ed. of 1810) I., 209, 210.

eastern rivers. Some country mills were built for steam-power. In 1818 the fuel market of Philadelphia was glutted with three hundred and sixty-five tons of coal, but it soon became the usual manufacturing fuel. America was able to compete in many lines of manufacturing against all rivals, and Tocqueville, in 1835, predicted "that the Americans of the North will one day supply the wants of the Americans of the South." [1]

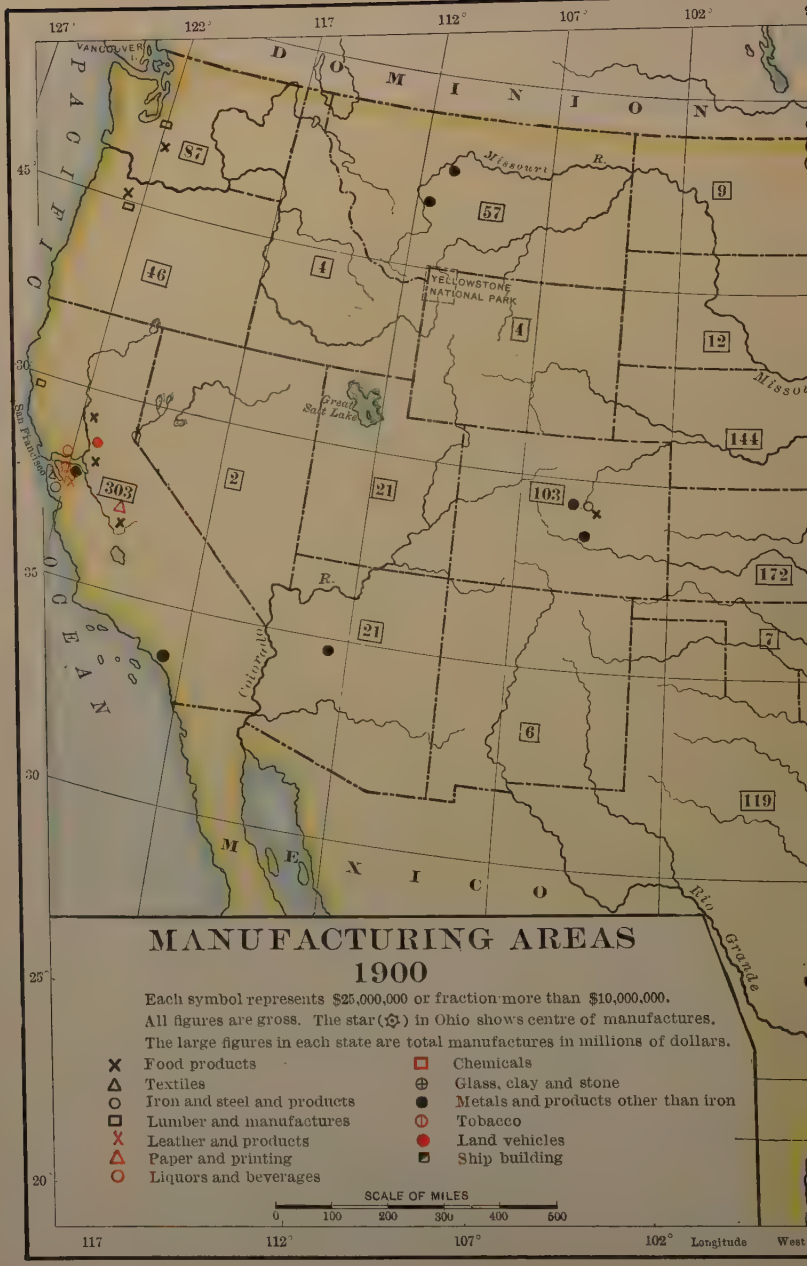
The first mining industries were coal, in eastern and western Pennsylvania, and lead, in the upper Mississippi valleys; but in 1848 began gold-mining in California, which developed into a steady business of quartz-crushing; and a few years later copper was discovered in the northern peninsula of Michigan, then iron ore in the same region, silver in Nevada, and gold in Colorado. The result was the growth of manufacturing and mining towns and cities, a diversity of industry, and the setting forward of a new kind of rich men, organized in wealthy companies, employing sometimes thousands of hands, and making a new social element.

This process was aided by a series of striking inventions. The mechanics of textiles improved through new spinning and weaving machinery. In the forties the household was relieved by the sewing-machine, the farm by the mower and reaper, and the power-planer revolutionized wood-working; in 1852 shoe machinery was first introduced; the telegraph

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 425.

first carried a message in 1844; the first rotary printing-press was set up in 1847. The steam locomotive of 1830 was followed twenty years later by the screw-propeller. Thus the making and the carrying of goods was cheapened, and through the ever-widening circle of banks, manufacturing corporations, railroads, and jobbing houses was created a new system of interwoven business relations.

The railroads made possible the distribution of goods on a great scale, and the old-fashioned merchant was subdivided into three men: the manufacturer, or importer; the wholesaler, or jobber; and the country merchant, who went to the city once or twice a year to buy his goods. The country was full of opportunities, both for him and for his brother, the small manufacturer; and there grew up a fine type of independent business men, each managing his own affairs, and the whole class recruited by coming up from the ranks. The foremast hand on a voyage out to Calcutta might come back as captain on his own quarter-deck; and the quick workman of to-day was the foreman of to-morrow and the mill-owner of the day after. The machinery of credit included heavy loans of foreign capital, first to the federal government, then to the states and to the federal and state banks, later direct to railroads and other corporations. The result was to intertwine American with foreign finance in such a way that at three different times—1819, 1837, and 1857—there was a commercial panic on both sides of the water. The



MANUFACTURING AREAS
1900
Each symbol represents $25,000,000 or fraction more than $10,000,000.
All figures are gross. The star (☼) in Ohio shows centre of manufactures.
The large figures in each state are total manufactures in millions of dollars.
Food products
Textiles
Iron and steel and products
Lumber and manufactures
Leather and products
Paper and printing
Liquors and beverages
Chemicals
Glass, clay and stone
Metals and products other than iron
Tobacco
Land vehicles
Ship building
SCALE OF MILES
0 100 200 300 400 500
DOMINION
PACIFIC OCEAN
MEXICO
VANCOUVER I.
San Francisco
Missouri R.
Colorado R.
Rio Grande
YELLOWSTONE NATIONAL PARK
Great Salt Lake
87
46
4
57
9
12
144
2
21
303
103
172
7
6
119
127°
122°
117
112°
107°
102°
45°
30
35
25°
20°
Longitude
West

92°
87°
82°
77°
72°
67°
C A N A D A
LAKE SUPERIOR
LAKE HURON
LAKE MICHIGAN
L. ERIE
Chicago
St. Louis
Boston
New York City
Philadelphia
D.C. 38
Baltimore
Pittsburg
Arkansas R.
Mississippi R.
New Orleans
ATLANTIC OCEAN
BAHAMA ISLANDS
ISLE OF PINES
C U B A
TROPIC OF CANCER
Greenwich
127
2176
119
103
184
353
357
361
1835
378
832
15
243
132
1260
75
385
154
95
108
45
59
40
107
81
121
37
45°
30°
35
30
25°
20°

whole effect of the eighty years from the Revolution to the Civil War was to give great opportunities and advantages to the business man and to emphasize individual effort; so that Tocqueville remarked "that among the Americans, all honest callings are honorable . . . in America no one is degraded because he works, for every one about him works also." [1]

In this period the action of government was rather to favor than to restrict business corporations. Shipping received a variety of government aids: between 1789 and 1795, a discriminating tonnage tax and the monopoly of the coasting trade; during the Napoleonic Wars, the diplomatic protection of its neutral rights; after those wars, a countervailing policy which helped to break down the remnants of the English acts of trade in the West Indies; in the fifties, money subsidies to steamer lines. The manufacturer got four successive protective tariffs between 1816 and 1832, and under a lower scale of duties thereafter still found prosperity. Inventions were stimulated and supported by an elaborate patent system. The laborer in 1840 was favored by a ten-hour day in government employment.

Restriction went hand in hand with government encouragement. The federal government in 1807 laid an embargo on its home shipping, and in 1842 provided for inspection of steam-vessels. The states set up pilotage and health restrictions on trade,

[1] Tocqueville, *Democracy in America* (Spencer ed.), II., 162, 163.

and in 1850 Massachusetts chartered the first state health board. Between 1791 and 1817 there were two federal excises; and in the forties the states began to restrict and prohibit the sale of liquor. Banks were put under general restrictive acts. In 1846 came the first definition of a corporation in a state constitution. The railroads, which had grown up with very little limitation, found themselves restricted through positive state laws. These limitations were still in minutiæ; with the exception of the canals (which were too costly for private capital) and a few lines of railroad, the states took up no kind of business for themselves. The federal government for a time leased mines on public land, but the system was a failure. Both state and national governments did their utmost to turn their wild lands over to individual owners. The year 1860 marks the highest point of individualism in business.

The Civil War broke up business traditions by the magnitude of the government's dealings, by the waste and extravagance of the period, by the terrible destruction of capital in the South, and by the exaggeration of national powers as against the states. The conditions of business again changed through the growth of railroads and telegraphs, through the rapid increase of population and wealth, and through the stimulus of high tariffs. After the war the country betook itself to exploiting its own natural resources. Forests were cut; the reservoirs of petroleum tapped; the coal of the South and West made

available; as were the silver of Leadville, the zinc of Joplin, the gold of the Black Hills, the copper of Montana, the dredge-gold mines of California. Machinery was steadily improved; and there sprang up a system of manufacture of standard parts, adjusted to a scale, which could be assembled into watches, typewriters, and a hundred other machines. Compound engines and then turbines were applied to steam-vessels. Above all, electricity, which except in the telegraph had been little more than a toy, became the friend and the servant of man. In 1872 duplex telegraphy was invented; in 1876, the telephone; in 1877, the phonograph; in 1879, a practical electric light; in 1884, electric welding and reduction furnaces; in 1892, electric trolleys.[1]

To adjust and apply these mighty powers arose a new race of business men, who formed commercial corporations on a scale previously unheard of outside of railroads. They found it possible to borrow some of the prodigious savings of the nation in savings-banks, life-insurance companies, and stocks and bonds, and made combinations of corporations which, like the Standard Oil Company, covered a whole industry. Only one further step was possible—namely, to combine in interest the great transportation companies, manufacturing corporations, banks, and insurance companies into a tremendous aggregate of capital called by the outsider "Wall Street." This was straightway met by a somewhat similar

[1] Kennelly, in Shaler, *United States*, II., 134–162.

combination of working-men; first in local trade-unions, then in federations covering a whole trade, then in two successive general combinations—the Knights of Labor and the American Federation of Labor—which strove to meet monopoly with monopoly. To the two sharp divisions of interest—the capitalist and the laborer—was opposed a third, the agriculturist; who, through granges and political parties, tried to make head against them both. It was the era of combination, the return to the discarded guild system of the Middle Age.

Such powerful organizations naturally tried to control the local, state, and national governments; and the governments, sometimes on behalf of one of the rival combinations, sometimes out of compassion for the unorganized and scattered general public, tried to control them. In the fracas, individualism suffered fearfully. The capitalists, and especially the great public-service corporations, put their friends into the legislatures, and sometimes did not hesitate to own their representatives body and soul: in the various capitol buildings appeared railroad men, mining men, Standard Oil men, who blocked restrictive legislation and tried to get legislative favors. The whole process became mixed up with stock speculations. Senator Quay, of Pennsylvania, openly stated in his seat that he was dealing in sugar securities, the value of which would be affected by the action of the Senate. At the other end of the line, the labor men made demands on all forms of

government, and enforced them by "knifing" candidates who would not pledge themselves to do their will. They got statutes limiting the hours of labor, prescribing the times and methods of the payment of wages, protecting women and children laborers, introducing safety devices into factories and railroads; in some cities they secured ordinances shutting out all but residents of that city from public employment there, besides a series of national laws restricting immigration.[1]

Such statutes worked both ways: the eight-hour law which the workmen insisted on as a protection to his manhood was looked on by the employer as a monstrous restriction; the free franchise to a traction company seemed to the laborer a robbery of privileges which belonged to him as a member of the public. The business man, the working-man, and the farmer could not all be let alone to manage their affairs in their own way, for each was in antagonism to the other. When, in 1866, and again in 1890, money subsidies were allowed to American steamer lines, other business men protested that they helped to pay the taxes from which those subsidies came. The whole system of protection, which was embodied in five general tariffs between 1861 and 1897, besides many less sweeping statutes, went far in aid of one class of business men; but it automatically raised up enemies against itself, for the tariff, which opened up opportunities for the manufacturer,

[1] Godkin, *Problems*, 113–118.

cut into and almost put to the ban the import trade.

As business became more complicated it was seen that there must be government control over some phases of it. For the protection of life and health, laws were passed regulating mines and dangerous manufactures and dealing with epidemics, thus creating an outcry that paternalism was setting in. When epidemics of yellow-fever came, the southern states betook themselves to most oppressive measures, and then, in 1906, turned to the United States for its aid. Suspected or immoral kinds of business felt the weight of state control: in the prohibition states the law descended in turn upon the retail seller of liquor, the wholesaler, the brewer, and the expressman. Get-rich-quick enterprises were denied the use of the mails in an effective administrative fashion which almost took away the public breath. Race-track gambling fell under the rigor of the law, although in New York, in the face of the plainest constitutional prohibition, the managers bribed the farmers with state aid to county fairs to pass a statute allowing them to keep it up. With the consent and aid of professional men, laws were passed restricting the practice of professions and trades to those who had passed a state-controlled examination. A national bankruptcy act was passed, the patent office systematized, and by pure-drug and pure-food bills the states and nation stepped in between the manufacturer and his customer. Some

lines of business were wholly or partially taken out of the hands of private competition; many cities had public gas and water works, electric-light works, and public docks. Governments went into factories of military material, into the business of public forestry, into public printing-offices. Where now was the time-honored doctrine of *laissez-faire?*

The old doctrine clearly broke down when it became evident that transportation was the great nerve of the business community, and particularly when surface traction in the cities became a matter almost of life and death to the people. Towards railroads, government control took the form of new kinds of restriction on operation, in which the federal government came forward because nobody else could control interstate commerce. Hence, car-coupler laws; and, in 1887, 1890, and 1907, statutes creating and then modifying a government commission to regulate interstate commerce, under specific limitations on the management of railroads. The states went in the same direction by statutes regulating rates. In local transportation the local lines in most cases were consolidated into one system for each city; but in several cities the municipality built subways in connection with the companies; and in Cleveland, Detroit, and Chicago desperate but ineffectual attempts were made to bring about city ownership. As common carriers, as possessed of the right of eminent domain, as serving a semi-public purpose,

the railroads have had to admit that for them there is no individualism.

Out of this half-century of passionate struggle have come some definite American ideals of business and of government control. The first principle is the right of every man and woman to choose a calling: there are no social castes, no hereditary professions or pursuits, although the tendency of the labor unions is to take apprentices only from the sons of their members and to prevent a man who has once learned a trade from going into any other. Nevertheless, the country is wide, employments many, and the chance of making a living on a farm encouraging. At the other extreme, combines such as the drug trust and the brewery trusts go far towards making up select lists of retailers who alone are allowed to buy from them. Most people, however, are still allowed to carve out their own destiny;[1] and one ideal of the American is a quickness and readiness to take up with new pursuits: a man may engage in half a dozen businesses and be successful in them all. Of those who take a degree in dentistry, only about half follow that profession through their lives; there is a movement in and out, a fitting of the man to the place, a sifting out of the unsuccessful and the unsuitable, which goes far to account for the high productiveness of American business.

[1] Cf. Eliot, *Contributions to Am. Civilization*, 148; Godkin, *Problems*, 193–208.

The next ideal is that of private possession, and in few countries is there a stronger feeling of the sanctity of property than in this, which most abounds in landholders, depositors in savings-banks, and holders of insurance policies. Of the ninety millions of people, fully thirty millions belong to families which have something ahead and mean to keep it. This naturally leads to an admiration for the man who has a great deal; and hardly anybody receives so much attention in the public press as the very rich, especially if they are moral decadents and go about to marry the wrong woman or to commit murder. This admiration for money is partly a deference to the acknowledged power of wealth and partly a compliment to "the smart man"; but it is accompanied by a passionate dislike of very rich men, who are believed to have got their wealth together by crushing out their rivals and by corrupt dealings with transportation or other companies.

Alongside the regard for property goes a mania for gambling, which shows itself in the defiant existence of old-fashioned, orthodox gambling-hells in every large city; in the pool-selling and growing custom of betting on sporting events; in the so-called bucket-shops, which are gambling-houses under the semblance of stock operations; and in the brokers' offices where dealings on margins in stocks of every kind and in the great staples of commerce is practically unrestricted. So many men have got rich almost by accident, by discovering a gold-mine, hitting on a

patent, buying a few city lots, that it is hard to resist the temptation "to take a flyer" on an invention or a copper-mine or the common stock of an industrial corporation.

If money-makers are admirable, people who have not made money must be inferior; and the American is therefore prone to disbelieve in expert knowledge, except that of a consulting engineer or scientific man, whose skill can be affirmatively shown by the size of his fees. The trouble shows itself in government, and equally in the general belief that the only safe counsellor in all enterprises is the business man: he is sought for trusteeships of institutions; and most of the highly successful lawyers are in "the law business" rather than in the legal profession. Even presidents of universities are chosen because of their success in commercial affairs.[1]

If the United States is fabulously rich, it is in spite of the wastefulness of its people; besides the extravagance of the irresponsible rich, there is the immense loss due to corrupt or inefficient government, and still more to the criminal carelessness of the people. In thirty-six years, from 1870 to 1906, four American cities—Chicago, Boston, Baltimore, and San Francisco—were devastated by fire, while not a single European city west of Constantinople has had such an experience.

Americans are less afraid of wealth, or of combinations either of capital or of labor, because they have

[1] Veblen, *Theory of Business Enterprises*, 268–301.

large faith in the power of legislation. The nation has definitely quitted the old ideal of non-interference in business. Democracy expects to hold its own through the power of statutes and the application of those statutes by executives and courts. They are willing to invent a new regulation wherever a new need arises; for to the American mind the conception of a vested right to *do* a thing is much weaker than of the right to *possess* a thing: to them the charter of a corporation is not a sacred tradition—it is a contract between the state and the recipient, and they are not unwilling to take advantage of technical flaws in the instrument. For instance, the English idea that a license to sell liquor is a vested right could not find support in a single state of the Union.

If there is to be regulation, Americans are as willing that it should be by one form of government as another. They pass uncounted city ordinances; they press the state legislatures; and they expect the federal government, as the most vigorous, the best organized, and the most far-reaching, to help out where the states are incompetent. The notion that commerce is in its nature beyond the powers of the state government is deeply rooted, and has caused a transfer of public expectation on that subject from the legislatures to Congress.

Little trace can be found in America of an ideal of paternalism as such—that is, the dependence of the individual everywhere on state protection, the or-

ganization of the multifarious fields of industry by a code of laws, and the assuming of the larger industries of the country by government. The efforts for public ownership have been forced by the refusal of private capital to meet the public needs, and may be staved off by the acceptance of the principle that transportation, public lighting, and water supply are in their nature not wholly private businesses, any more than the ownership of the streets.

The ideal of the average American is that the natural resources of the country by right belong to the public, and so far as possible are to be distributed among individuals per capita; hence the public land policy; hence the fierce resentment caused by the wholesale appropriation of timber and coal lands by corporations, often through gross frauds; hence the angry denial that lines of transportation, which are the arteries and veins of national life, can "belong" to a few individuals. On the other hand, they believe that the use of these resources is open to all, and the best-endowed and the luckiest man will get the most out of it, a process to which they do not object, if he keeps within the general principles of equality. They invoke government control, not to hedge in the individual or to restrain his powers, but to clear the field of special advantages. The American theory of business and of government control is summed up in the single phrase, "a square deal."

CHAPTER XIV

THE MAN WHO LEADS

MASTERFUL men are needed in American life: but do they frame the national ideals? Some people deny to men any determining voice in human affairs: medieval philosophers looked on great rulers as thunderbolts in the hands of the Almighty; Buckle thought history nothing but natural selection under special soils and climates; Tolstoi considers human beings chips on a wave of national movement. Neither theory explains great men; the unaccountable element in human history is the rise of leaders who sum up the thoughts and aspirations of their fellows, who raise up people who have already the capacity of rising. A sovereign like Alfred, a minister like William Pitt, a military commander like Alexander, a sage like Goethe, are great not because different from their times, but because they exemplify national forces.

Of such leaders there are many types. One race and time admires the powerful men, big, majestic, overwhelming, Pompey the Great and Charlemagne. Confucius was never weary of praising the serene and untiring man: "Admirable indeed was the virtue

of Hwuy! With a single bamboo dish of rice, a single gourd dish of drink, and living in his mean narrow lane, he did not allow his joy to be affected by it." To the Asiatic the great prince is the pleasure-giving man, the Jehanghir who plants gardens of melons for his subjects. The type of the Middle Age was the austere man, the St. Francis who sought neither his own pleasure nor that of his followers. The American ideal has always been that of the man who can do something, the habile man at home in camp and court and council, the Franklin, the Jefferson, the Lincoln, and the Roosevelt. "King Harry loved a man"; and the American loves a broad, vigorous, many-sided personality.

American colonists were in an eddy of the world's affairs, and in the seventeenth century circumstances forbade any man coming forward as a national leader. Few except John Winthrop, William Penn, Sir Edmund Andros, and Cotton Mather had much reputation outside of a single colony. Yet there was the long roll of fearless souls like Champlain and La Salle that opened up an unknown world, besides the vigorous and individual men like John Smith, of Virginia, and Roger Williams, of Rhode Island, who set their impress upon the little communities in which they lived, and thus transmitted their vigor to later generations.

In the eighteenth century a few of the colonial governors saw an opportunity of making their personality felt, such as Spottswood, in Virginia, Phips

and Hutchinson, in Massachusetts. There were several English and French soldiers of American renown, especially Amherst, Wolfe, and Montcalm. But circumstances were not such as to bring forward national leaders: the colonies were small, scattered, and none of them furnished sufficient room for a hero. In the whole list of colonial worthies there was hardly a fighting man; and outside of government or of church there was little opportunity for distinction. Lawyers were few and unpopular; and "the Damnable rich merchants," whom Josselyn found in New England in 1675, must have lost their money, for there were few merchant princes in the eighteenth century.

Still, three creative spirits appeared before the Revolution: Jonathan Edwards, the philosopher, Sam Adams, the politician, and Benjamin Franklin, the sage and man of the world. With the Revolution a new kind of greatness arose; by common consent "in those days there were giants." Some men of moderate parts were lucky enough to have their names connected with a movement of world-wide importance; others were brought up to a pitch of greatness by the stimulus of the times; certainly the Revolution abounds in personalities who would have been notable anywhere, and who shaped the destinies of their country though they could not create its ideals. With the history of the Revolution are closely bound up the names of the great Englishmen of the time, Chatham and George III., and

the triumvirate of Pitt, Burke, and Fox. Frenchmen and Germans of world renown linked their destiny with America, such as Lafayette and Rochambeau and Steuben; but the greatest names in all that time are those of born Americans, participating in the making of a common country: James Otis, Patrick Henry, and John Dickinson, orators; John Jay, diplomat; Tom Paine and Jefferson, political philosophers; Benedict Arnold, Wayne, Greene, and Moultrie, generals; Robert Morris, financier.

Highest as men of power who helped to steer the ship, stand Sam Adams, John Adams, Franklin, and Washington. Sam Adams, the organizer of popular sentiment, shrewd and shifty, great in the secret conclave and not in public assembly, his was the mind which most communicated to Americans a desire for independence. John Adams was the organizer, the debater, the practical man of the time. Franklin was the draughter of constitutions, smoother of difficulties with France, the strongest tie between America and Europe. Washington was the man of execution, hardly rivalled in the history of mankind for his ability to make the most of small materials — big, strong, vigorous, determined, unyielding, the embodiment of the resolution of the frontiersman and the skill of the trained officer. These and their compeers were great men, and they made a shrine of hero-worship for many later generations. Long after they passed from the stage, it was still the custom to look upon them as flawless

demigods, each of whom was always right, no matter how cordially they disagreed with one another.

For thirty years after the war some of the heroes of the Revolution furnished the strong personal influence necessary to reconcile the new nation to its novel situation, and to work out those ideals of government which were to give the nation permanence. The first political task was to complete the state constitutions, a work in which the strongest men were busied. The name of Jefferson is bound in with the Virginia constitution of 1776; John Jay drew the New York constitution of 1778; Benjamin Franklin was president of the Pennsylvania convention; and the Massachusetts constitution of 1780 flowed from the pen of John Adams. These constitutions, like their authors, agree in a high sense of the dignity of government and the duty of public service. In the parallel task of framing and setting in operation the Articles of Confederation, the great men were overborne: Franklin's and Dickinson's draughts had the pith taken out of them in later revisions, and when the Articles went into effect, three vigorous young men, Madison, Hamilton, and Monroe, strove in vain to get them properly amended. The only constructive statesmen in the Confederation was Thomas Jefferson, in his coinage, territorial, and land ordinances.

The federal convention of 1787 was the ablest body of men ever gathered in the United States:[1] it

[1] See p. 138 above.

looked backward and forward, for it included some of the signers of the Declaration and some of the later magnates of the nation. Although Washington and Franklin sat as members, the dominating figures were young men, especially plain and quiet James Madison, no orator, but industrious, thoughtful, and inspired with the necessity of a strong government which so many of his countrymen felt: his hand penned the basis of the Constitution; his voice was lifted for energy in the new government; his legal mind found ways of reaching his end which would not interfere with the current ideals of loyalty to the states. As legislative leader after the Constitution was adopted, he framed much of the organizing law without which the Constitution would have been inert. These same young men went into the state conventions and somehow found means of convincing those constitution-makers that there was nothing for it but to put it in force. Upon one of these young men, Alexander Hamilton, rested the responsibility for the financial and economic legislation of the nation; and so strong and so well wrought was his work that much of it is still in force.

Against the background of the Revolution the leaders of the period from 1789 to 1830 seem of less stature, though in the growth of parties and the forum of debate there were new opportunities for the masterful man. The exception is Washington, who won a second reputation by his splendid example of cool, sagacious headship; he was the unfaltering

pilot who reached his port in spite of head-winds and of storms, and who, by the noble simplicity of his character, by his freedom from personal ambition, set a standard of public service which the whole world agrees has placed him in the Walhalla of the greatest men. In this period Jefferson reached his full stature and stands out in American history alongside of Abraham Lincoln as the apostle of the people. The sources of his political theories have been already sketched:[1] he thoroughly believed that the people were the best though not the wisest depository of political power; he wanted them to express their will in frequent elections; and if discontent led to revolution it seemed to him a trifling incident, and he was willing to wait until they came to their senses again. Never was there a more conspicuous instance of a very great man whose theories of government were an imaginative restatement of the practices that he saw going on before him. As president, Jefferson showed what power might be gained by a quiet man, who almost never made a speech, had no personal magnetism, and took little interest in the intricacies of political management; he was a great president and a great political reformer, through the power of his imagination, which overtopped the slower growth of the popular mind and looked forward to a realm of reason, intelligence, and patience, in which he expected democracy to prove its high title as the proper government for thinking

[1] See chap. vi., above.

men. It was that imagination which made him press the annexation of Louisiana; and though overborne by Congress at the end of his term, he remained through the remaining seventeen years of his life the sage and counsellor of the nation.

Henry Clay came nearest taking Jefferson's place in the exuberance of his hope, and surpassed him in the power of drawing the hearts of his countrymen to him. Why was it that this born leader, who could drive with consummate skill the two-hundred-horse-team of the House of Representatives, was thrice defeated for the presidency, and died leaving as almost his only work of constructive statesmanship the Compromise of 1850, which lasted just four years? Alongside of him stood John Quincy Adams, of all the men of his time the most highly trained in statesmanship, and imbued with a lively national spirit which ought to have carried him to pre-eminence: his presidency was a failure, he was never thereafter a political leader, yet will ever live in the records of that time for his splendid fighting quality in the House of Representatives and his defence of the sacred right of free speech.

The period is notable for a galaxy of men who knew how to draw out the principles of the Constitution in a way which made it seem reasonable to the unlettered man. "The profession of the law in the United States serves to counterpoise the Democracy," said Tocqueville.[1] He might better have said

[1] Tocqueville, *Democracy in America* (Spencer ed.), I., 270.

that it was the lawyer's task to find reasons for the democracy's being. John Marshall and his hardly less able colleague, Joseph Story, were masters in the common-sense of constitutional law; they adorned and made habitable the structure which the fathers of the Constitution had builded. After them came three statesmen whose task was to discuss and clarify the conception of popular and federal government. Of the first, the English visitor said that "No man could be as great as Daniel Webster looked." A great man and a great leader, because he knew how to turn his unrivalled clearness of thought and his wonderful oratory to the problem of reconciling national power with individual safety, Webster failed of the presidency. So did his rival Calhoun, who began public life with the same broad vision of nationality. No man of his time had such power of logic, or so stoutly defended the interest of his section, yet he, too, could not command popular favor.

These statesmen were all passed by, and the American people found their ideal president in Andrew Jackson. Not, as his enemies supposed, because he was a military hero or a demagogue, but because he was the first public man to voice the apprehension of democracy at the growth of vested interests, of corporate powers, of commercialism. He was democracy itself, he personified the frontiersman and the Indian fighter, the farmer, the workman, and the immigrant. With all the faults of a fierce and indomitable nature, with little of the personal dignity

that made Washington great, or of the *savoir-faire* which put Jefferson among the cosmopolites, Jackson was the typical American of the thirties.

It was a formative period, in which the theory of the federal government was being hammered out, in which new party principles were growing up, and in which new constitutions were crystallizing these principles of government. Between 1776 and 1850 about five thousand different men sat in the various state and national conventions.[1] Those men responded to two stimuli: on the one side the opinion of their neighbors as to what was right in government; on the other side the influence of men like Webster and Calhoun, who worked out a system of government and made the parts fit together. American ideals were also powerfully influenced by the non-political leaders of the day, for the literary men of the time were nearly all uplifting. Cooper wrote for the pleasure of his readers, and Irving for their literary enlargement; but George Bancroft in his history, Hawthorne in his novels, Longfellow, Holmes and Whittier in their poems, Channing and Lyman Beecher and Father Mathew in their sermons, Garrison in his propaganda, were all appealing to the highest in their fellow-countrymen. Among these leaders stands out as the greatest of them Ralph Waldo Emerson, prophet and seer, orator to the eloquent, teacher of the teachers, who moved amid the turbulent world with the dignity of a Socrates.

[1] Thorpe, *Const. Hist. of the Am. People*, II., 483.

Indeed, it was a time when leaders could appeal to high ideals; churches and benevolent societies were expanding, education was enlarging; it was the high tide of romanticism in literature and in conduct.

On the other side must be marked a decline in ideals of public service, especially after 1850, when the leading figure in Congress was Stephen A. Douglas, who stood for the crudest and most unlovely aspect of frontier life, and could not understand appeals to generosity, large-mindedness, and foresight for the nation, because he did not possess them. Mediocrities found their way into public life, partly because parties were better organized, partly because Americans were coming to recognize the power of numbers, and of organizations through which the mass could confront the mighty. Men were returning to the medieval ideal of the guild, the fraternity, and the order, over against the modern notion of the individual standing forth for what he is himself.

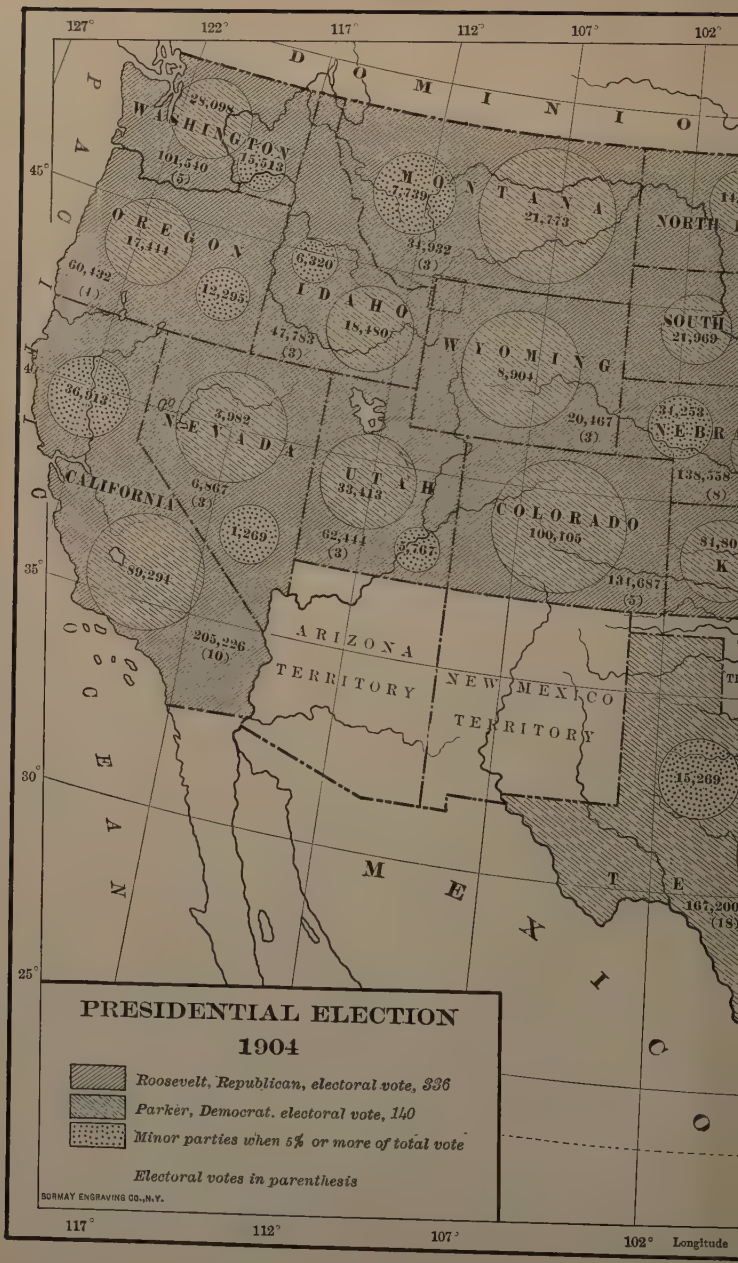
The earlier conception of individual leadership was restored by the Civil War, which gave many opportunities of distinction and drew out the latent greatness of the nation. For four years the names of Grant, Sherman, Thomas, Sheridan, McClellan, Farragut, of Beauregard, Johnston, and Stonewall Jackson, were constantly in people's mouths, and have gone down to posterity. The most distinguished name on the southern side was that of a military man, Robert E. Lee, who, both in character and in reputation, overtopped Jefferson Davis and Alexan-

der H. Stephens, the most notable civilians. On the northern side, Chase, Seward, Stanton, and their compeers formed a group of statesmen who might perhaps have stood on an equal footing with the civilian leaders of the Revolution had there been no one greater by whom to measure them; but all were dwarfed by Abraham Lincoln. If the height of a monument is fairly measured from the bottom of the foundation to the pinnacle, Lincoln is greater than Washington, for he rose from the humblest beginning, had no considerable national reputation before his election as president, and concentrated his greatness in four brief years. He combined in one man the humor of Franklin, the sublime long-suffering of Washington, the philosophy of Thomas Jefferson, and the rugged backwoodsman's fibre of Andrew Jackson. Never was there a clearer example of the great man reflecting his fellow-men's ideals and calling out the best that there was in his own countrymen—

> "The kindly-earnest, brave, foreseeing man,
> Sagacious, patient, dreading praise, not blame,
> New birth of our new soil, the first American."[1]

Lincoln's untimely death opened the road to lesser men, and after the Civil War the stature of Americans seemed somehow diminished. For thirty years the nearest approaches to national leaders were James G. Blaine, who was Henry Clay again in impetuous-

[1] Lowell, *Commemoration Ode.*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M E X I C O
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OREGON
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60,432
(4)
12,295
IDAHO
6,320
18,480
47,783
(3)
MONTANA
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21,773
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(3)
WYOMING
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NORTH
SOUTH
21,969
NEBR
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COLORADO
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138,558
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UTAH
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62,444
(3)
7,667
NEVADA
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CALIFORNIA
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89,294
205,226
(10)
ARIZONA
TERRITORY
NEW MEXICO
TERRITORY
15,269
167,200
(18)
PRESIDENTIAL ELECTION
1904
Roosevelt, Republican, electoral vote, 336
Parker, Democrat. electoral vote, 140
Minor parties when 5% or more of total vote
Electoral votes in parenthesis
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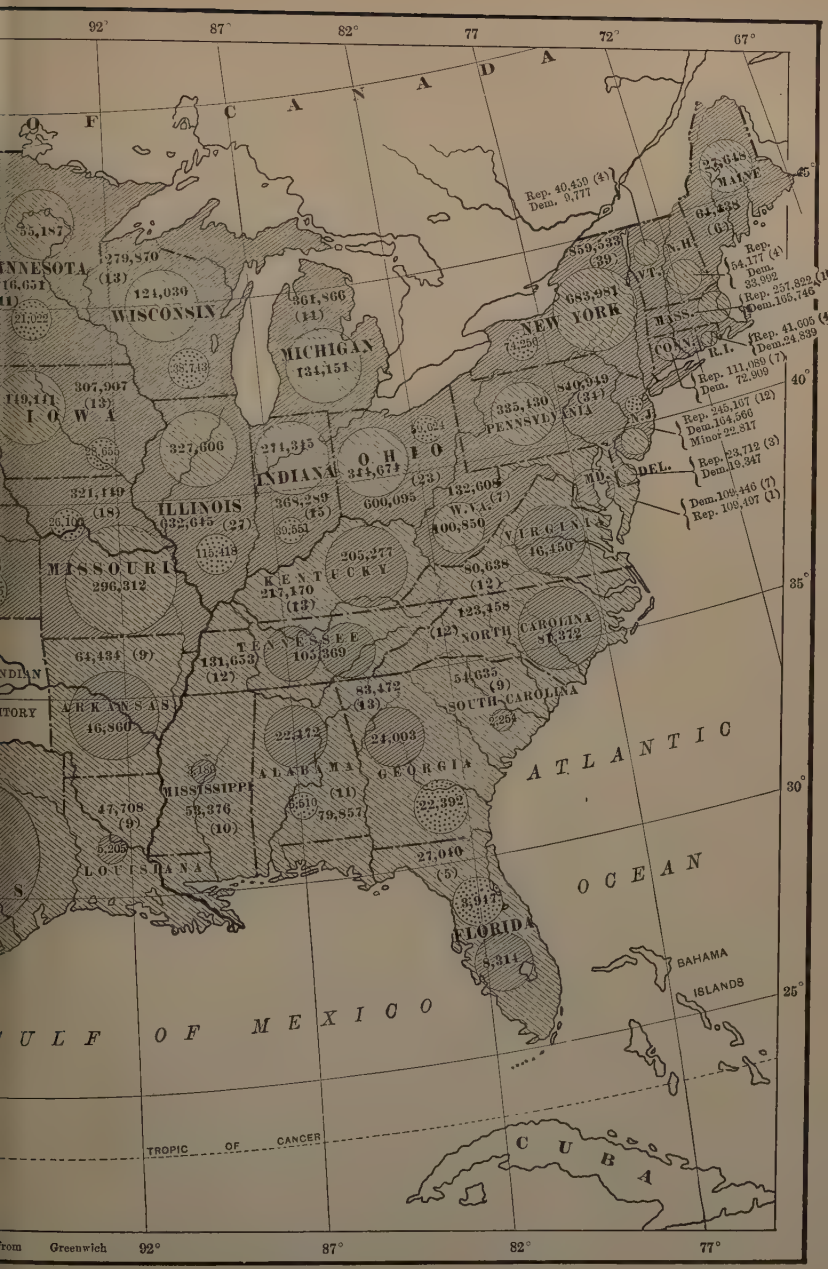
112°
107°
102°
Longitude



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O F C A N A D A
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Dem. 9,777
27,648
MAINE
64,438
(6)
859,533
(39)
N.H.
VT.
Rep.
54,177 (4)
Dem.
33,992
Rep. 257,822 (16)
Dem. 165,746
683,981
NEW YORK
74,256
MASS.
CONN.
R.I.
Rep. 41,605 (4)
Dem. 24,839
Rep. 111,089 (7)
Dem. 72,909
55,187
INNESOTA
16,651
(11)
21,022
279,870
(13)
124,030
WISCONSIN
38,743
361,866
(11)
MICHIGAN
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307,907
(13)
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IOWA
28,655
327,606
271,315
INDIANA
368,289
(15)
39,551
OHIO
344,674
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600,095
59,624
335,430
PENNSYLVANIA
840,949
(34)
N.J.
Rep. 245,167 (12)
Dem. 164,566
Minor 22,817
MD.
DEL.
Rep. 23,712 (3)
Dem. 19,347
Dem. 109,446 (7)
Rep. 109,497 (1)
321,149
(18)
26,100
ILLINOIS
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W.VA. (7)
100,850
VIRGINIA
16,450
MISSOURI
296,312
205,277
KENTUCKY
217,170
(13)
80,638
(12)
123,158
(12)
NORTH CAROLINA
81,372
64,434 (9)
TENNESSEE
105,369
131,653
(12)
54,635
(9)
SOUTH CAROLINA
2,254
83,472
(13)
ARKANSAS
46,860
22,172
24,003
ALABAMA
(11)
79,857
GEORGIA
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MISSISSIPPI
53,376
(10)
47,708
(9)
5,205
LOUISIANA
27,040
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3,947
FLORIDA
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ATLANTIC
OCEAN
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ISLANDS
ULF OF MEXICO
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ness, with far less than Clay's dignity in defeat; and Thomas B. Reed, "the Czar" of the House of Representatives, who grasped an ideal of intelligent control of legislation, yet ruled by fear rather than love. The civilians were crowded aside by military men: of seven presidents in succession, five—Grant, Hayes, Garfield, Harrison, and McKinley—had served in the Civil War; and it took time to develop a new race of leaders. Meantime the country felt the personal influence of some men outside of public service. James Russell Lowell, in the last years of his life, was the first citizen of the republic. Instead of the old-fashioned college head, whose influence was chiefly upon his students, came forward a new group of university presidents, enouncers of the national ideals, of whom President Eliot, of Harvard, and President Harper, of Chicago, were national characters, known from end to end of the land.

Another group of leaders was the journalists who from 1840 to 1880 did much to mould public opinion. Mr. Choate's famous allusion to the New York *Sun* making vice attractive in the morning, and the *Evening Post* making virtue repellent in the afternoon, was a tribute to the personal qualities of leadership of Charles A. Dana and of Edwin L. Godkin. Horace Greeley, of the *Tribune*, and Henry J. Raymond, of the *Times*, were more than newsgatherers—they were concentrators of public opinion, strong political and intellectual forces. Another class of leaders was the great capitalists, of whom

the first to become a national figure was Cornelius Vanderbilt, followed in later years by John D. Rockefeller, Andrew Carnegie, and J. P. Morgan. These men, bent chiefly on carving their own fortunes, could not help teaching a lesson of the power of combination and the tremendous political influence of great wealth. Yet their effect upon elections and party platforms was less by far than that of the bosses, who were perfect leaders in the sense that they were unhesitatingly followed. Richard Croker was not a great man, but he could do great things with two hundred thousand votes in the hollow of his hand.

In the eighties, as in the fifties, the quality of public men seemed to decline, and the people lacked interpreters. The orator no longer got a hearing or an office, except in some parts of the South. Weak men were elected and strong men not re-elected; and the permanent political places were often contended for by those who could not make a living in business, while the ambitious man resigned from the public service when he found there no career with steadily increasing responsibilities and rewards. Public servants seemed smaller than they were, partly because of the new necessities of government, which ran away from the abilities of the community. Modern political parties do not favor a choice of superior men to office; though perhaps, taking the country over in all its forms of activity, there are as many notable men in proportion to the population as ever

there were, except in periods of great national crisis. Democracy is a failure if it does not produce leaders, and there are families like the Adamses in Massachusetts and the Harrisons in Virginia which for generations have produced energetic and masterful men. The hard problem is how to put men of mark into places of public service.[1]

The quarter-century after the Civil War was in many ways discouraging, and the ideals of leadership declined. Able and public-spirited men were content to take their nominations, and after that to follow orders, from unofficial party leaders, usually known to be corrupt. As a protest against those conditions has arisen a new idealism of the reformer. The men who were abolitionists or colonizationists before the war would now be advocates of the Australian ballot and municipal ownership, champions of the direct primary or the referendum. Two men—George William Curtis and Samuel J. Tilden—owe their claim to national gratitude to their unofficial protests against corruption. Such men can serve by forming societies, draughting legislation, watching legislatures, investigating abuses, and in all ways calling public attention to the public needs.

The great discovery of the present day is that the

[1] On the question of quality of public men, see Cleveland, *Democracy*, 389; Godkin, *Problems*, 26, 142, 285; Stickney, *Organized Democracy*, 12, 113, 241; Ford, *Politics*, 317; Eliot, *Am. Contributions to Civilization*, 93–95; Lodge, *Hist. Essays*, 138–168.

man in office may appeal to the same ideal of genuine leadership. The country begins to see mayors and governors defying the power of the boss who had permitted them to be elected, yet enjoying the enthusiastic support of the public. The next higher step was to put forward candidates and secure their nominations in the face of protesting organizations. Such men, once in office, can put their principles into practice; and people have come to expect the leadership of reform from their public officials. Prosecuting attorneys, by their ability to direct the forces of the law against notorious evil-doers, enjoy a singular opportunity to impress the public mind with their service to the community. Two such men—Folk, of Missouri, and Deneen, of Illinois—have become governors, and a third, Jerome, is the most striking figure in the service of the state of New York. The cities are ebullient with reform mayors, such as Seth Low and George B. McClellan, in New York, and Tom Johnson, in Cleveland. The state of New York is the happy hunting-ground of reform governors, two of whom have passed from Albany to Washington. People have got tired of expecting state or national leaders of reform in the legislatures or in Congress, in which legislation has become congested and the opportunity is small; but they look to the governors, and especially to the president, to be their Moses.

Americans like an individual man, not made on the same pattern as all his associates, who thinks

and speaks for himself in his own fashion. Happy the people and hopeful the future when, in a single generation, two such forceful, masterful, vigorous, and straightforward men have become presidents of the United States, both re-elected by the fiat of a popular confidence in them which overrode every effort of their enemies to keep them from their earned distinction—Grover Cleveland and Theodore Roosevelt.

CHAPTER XV

SINEWS OF GOVERNMENT

CLOSELY allied with private wealth and with the control of business is public finance, which is based upon the right of the state to subtract from private property, first, whatever is necessary for national preservation, and then whatever may be held desirable for the general purposes of the community. Every tax is to some degree a restriction on some form of commercial activity, and may amount to absolute prohibition; on the other hand, the outgoes of government affect the upbuilding of industries. Public finance, defence, private enterprise, and the general welfare are all intertwined.

Early American finances were simple. As in the case of many other English colonies, the first-comers put in more money than they took out: the London Company, in its seventeen years of activity, sank two hundred thousand pounds. The effort of colonial proprietors to make a steady profit through quit-rents on the lands which they sold were always unpopular and led to discontent and riots. Colonial taxes were almost all on land, and sometimes could be paid in produce, as witness the early entry in

Massachusetts: "item, a goat of the Watertowne rate; and he dyed." The colonies were lightly burdened, and the towns and counties had the right to determine on their own necessities and to lay taxes accordingly. The only imperial taxes were small import duties levied after 1676 by resident British collectors, intended chiefly to prevent smuggling. Colonial expenses were chiefly for the salaries of a few executive officers and judges, for defence and offence, and in the eighteenth century for an agent in London, together with a few public buildings; local expenditures were chiefly for the poor and for roads and bridges, with some small outgoes for education.

None of the colonies imitated the European system of funded public debts then becoming fashionable, for there was little capital at home and no credit abroad. The closest approach to a standing debt was the issue of paper money, first to clear off the cost of military expeditions by anticipating taxes, then, through the so-called paper-money banks, to lend money on real-estate security. This paper money naturally depreciated, till in some cases it was worth in specie only a twenty-fifth of its face, and the British government, by a series of statutes from 1741 to 1764, prohibited the issues. There being no private bank-notes at that time, the colonies were brought back to a specie basis, supplemented by barter, so that at the same store you might trade in "pay," "money," "pay as money," or "trust." [1]

[1] Madam Knight, in Hart, *Contemporaries*, II., 228.

The one great political ideal worked out in the colonies was "no taxation without representation," which they applied in favor of the appropriation bills of their own legislatures and against any general taxation by Parliament. The colonists' financial ideals were simple and easy.

The Revolution was out of accord with these crude and small financial methods. The war could not be fought at all without expenditures which would have been heavy even for a people previously accustomed to pay high taxes, with experienced financiers and endowed with national financial powers. Revolutionary finance was simply the problem of getting all the money that the states would raise by taxation, adding to it voluntary loans of every kind, and then issuing a flood of paper money on the authority both of the states and of Congress, leaving a floating debt still unpaid. Confusion, waste, poor book-keeping, injustice to public creditors, confiscation of the private property of the Tories, these were the price that had to be paid for the lesson that governments have no reserve of property, and that there is no royal nor democratic road to sound national finances.[1]

When the Confederation went into action in 1781, people hoped for an improvement in public finance, under Robert Morris, the first national financier;

[1] Dewey, *Financial Hist. of the U. S.*, §§ 14–20; McLaughlin, *Confederation and Constitution* (*Am. Nation*, X.), chap. ix.; Hart, *Contemporaries*, II., chap. xxxiii.; Bullock, *Monetary Hist. of the U. S.*, 60–78.

but though peace speedily followed, Morris found it impossible to pay the public creditors, because the states did not meet the requisitions legally assessed upon them. His chief contribution to national financial ideals was the Bank of North America, chartered by Congress at his desire. Accumulations of unpaid interest raised the domestic debt in seven years from about thirty-six million to about fifty million dollars. The states were also in financial difficulties: they repudiated the whole or part of their outstanding paper notes, and in a few cases their bonded debt, and the pressure of taxes caused discontent and risings. A prosperous and thriving country, in which commerce and capital were increasing, was on the verge of national bankruptcy.

The experience of the twelve years from 1775 to 1787 sank deep into the national consciousness and produced ideals which are reflected in the federal Constitution and the practice of the subsequent state governments. The first of these is the conviction, at least of business men, that governments cannot make wealth by issuing paper money; hence the clause in the federal Constitution forbidding the states to issue bills of credit. The attempt to float paper money by making it legal tender caused great difficulty and hardship; hence the states were forbidden to "make anything but gold and silver coin a tender in payment of debts." The quarrels between the states over interstate and foreign trade led to provisions forbidding them to lay import or

export duties. The financial distress of the Confederation led to giving Congress broad power to "lay and collect taxes, duties, imposts, and excises." It was firmly fixed in the American consciousness that there can be no real government which has not an independent right to raise money by taxes or loans, to expend it with large discretion for governmental purposes, and to provide a properly adjusted financial administration.

In 1789 begins the first real system of American public finance in the various types of government. First of all, the outstanding federal debts and claims were adjusted, and new securities issued; in the second place, recognizing that the twenty millions of outstanding state debts were incurred in the Revolutionary struggle, that amount was "assumed" by the federal government, and the states thus started clear. This left only one public debt, that of the federal government, and everybody understood that it was soon to be extinguished. During the next quarter-century the taxes throughout the country were low, and by a tacit understanding, except during the exigencies of war the federal government left to the states the field of direct taxation and took for its province chiefly duties on imports. The growth of commerce caused the low imposts commonly to meet the whole needs of the government; hence the notion sprang up that other forms of national taxation were unnecessary and oppressive. The effect has been ill for the government, because

the customs are an uncertain resource, which cannot be calculated beforehand. Another incident of early finance was the great unpopularity of the excise laid in 1791.

Nevertheless, the times were favorable; even the War of 1812 was only a temporary setback. Such a result would not have been possible but for modest ideals of national expenditure. Leaving out the war, the navy, and the interest on the public debt, there are only four years previous to 1829 when the expenses were over four million dollars. Public officials were few, salaries low, the field of federal legislation still narrow.

The prohibition of state paper money and the exclusive federal power over coinage caused the growth of new principles as to a circulating medium. Hamilton, foreseeing that bank-notes would be the usual currency of the future, secured from Congress the National Bank of 1791, and the states also chartered numerous banks. This made three kinds of currency: state bank-notes, many of them circulating at a discount; United States bank-notes, always at par; and specie, the greater part of which was foreign coin. The United States Bank expired in 1811; it was much missed during the War of 1812, and therefore was rechartered in 1816.

The feeling of rivalry of interests between the farmer and the townsman [1] made all banks unpopular; and this aided Jackson when, in 1831, he began

[1] See chap. vii., above.

an assault upon the United States Bank and prevented its recharter. The "deposits," or treasury balances, were "removed" to state banks, which enlarged their circulation and whose notes tended to drive specie out. Jackson, therefore, transferred his campaign to bank-notes, first of all in government transactions, and then on general principles. In 1840 Van Buren obtained the sub-treasury act by which government balances were to be retained in the vaults of the government.

In this way the federal government with difficulty separated itself, so far as it could, from the business of banking. On the other hand, several of the western and southern states, especially Kentucky, Georgia, Alabama, and Illinois, set up state-owned banks, which sometimes claimed a monopoly of the business. The panic of 1819 was a proof that the financial system of the country was weak, and the terrible crash of 1837 brought down scores of banks and led to a new era of legislation. Several of the states abandoned their state-owned concerns, which could not be prudently managed, and the banking business was better safeguarded, although the currency was a strange mixture of counterfeit, poor, good, and unredeemable bank-notes, combined, after 1848, with some gold coin.

Though the federal debt was extinguished in 1835, its place was taken by state and local indebtedness. The states took upon themselves the duty of building canals, and the great capital necessary could

be had only by borrowing abroad. This was an easy process, and in 1836 they added to their funds the so-called "distribution" of twenty-seven million dollars as a bonus from the federal government. The crash of 1837 overtook them and their enterprises; half a dozen of them suspended payment,[1] and some of them never made their bonds good. During the same decade the cities discovered that they, too, had credit, and raised money for water-works and other improvements on their own securities. Cities, counties, towns, and villages gave large sums towards the construction of railroads, or more frequently pledged their credit. All these attempts to get rich by running into debt excited alarm: in 1836 the state constitutions began to fix a limit to the amount of taxes that could be raised in any one year, and a few years later to forbid loans of public credit by any form of government. At the same time and for the same reasons the people denied the privilege of *laissez-faire* to themselves by imbedding in their constitutions limitations on private corporations and on the legislatures. Democracy had lost confidence in its own self-control. On the other hand, the lesson that the cost of public improvements might be put over upon the next generation was well learned.

The ease of borrowing at home and abroad was unfortunately too much in men's minds when the Civil War broke out. The Confederacy, unable to get its cotton to market, was practically bankrupt

[1] Scott, *Repudiation of State Debts.*

from the first, in that, when its only available gold supply, the scanty specie reserves of the banks, was gone, there was nothing to draw on but the quick capital of the country. Hence a return to devices first tried in the Revolution, such as seizure of supplies, certificates for debt, and irredeemable paper money which was simply a forced loan distributed among the people. The federal government was on a different footing: it had behind it a rich and productive country, untouched by the hand of war and pouring out its surplus products to foreign countries; it had credit abroad for the purchase of supplies and for the sale of bonds; it had a wealthy people who, experience proved, were perfectly willing to pay high taxes. But nobody expected the war to last more than a few months, and in a place where a genius like Hamilton or Gallatin might have evolved a system of his own the financial policy consisted of raising taxes too slowly to be helpful, selling whatever bonds people would buy, raising money by short-term notes at high interest, and issuing over four hundred million dollars of paper money.[1]

Some new financial ideas came out of the war: one was the revival of the excise, which came to be a permanent tax. An income tax, for the first time laid by the federal government, proved acceptable and highly productive. For the first time since 1789 paper money was issued with a legal-tender power;

[1] Hart, *Chase*, 436–438; cf. Dewey, *Financial Hist. of the U. S.* §§ 116–160.

and after the war was over was allowed to remain because people were accustomed to it and because it saved about eight million dollars a year in interest. The most serious novelty was a third federal bank system, this time in the form of a multitude of "national banks" issuing a currency secured by government bonds. After 1864 state bank-notes were taxed out of existence. The system, though not very elastic, had the advantages of wide distribution of the bonds and the supervision of the paper currency by the national treasury. Upon the public imagination the greatest effect was the use of an absolutely secure paper currency, in which a national bank-note was as good as a greenback and both were as good as Uncle Sam.

After the Civil War all these paper notes remained at a discount, varying from about sixty per cent. in 1864 to a fraction of one per cent. just before the resumption of specie payments in 1879. Resumption was not only a mark of the completely restored credit of the government, but broke up speculation in gold, which was practically a gambling on the public credit, and again placed the United States on the same currency basis as other western nations. The debts of the Confederate government and the Confederate states incurred in support of the Rebellion were invalidated, and several of the reconstructed states repudiated loans incurred by the carpet-bag governments, considerable parts of which were fraudulent. Notwithstanding which, the state

debts, which in 1860 were $265,000,000, in 1880 had risen to $275,000,000, and the municipal and local debt then stood at $850,000,000. Taking the three forms of public debt together, the total in 1880 was over $3,000,000,000, or $60 per capita.

As a result of the necessary close relation between government and the money market during the war, people came to expect that in case of any financial trouble the federal government would come forward and rescue the country. The commercial crisis of 1866 was popularly laid to a contraction of the greenbacks by the treasury. In 1871 a desperate effort was made to get the government to keep its hands off while James Fisk and other corrupt speculators "cornered" the visible gold. The secretary of the treasury became the principal banker of the country, and was expected, in his purchases and sales of bonds and his handling of the treasury balances, to avoid disturbing the rest of the financial system.

The treasury operations were heavy because it was a national ideal to extinguish the public debt, which in 1866 was $2,800,000,000, in 1880 stood about $2,300,000,000, but in 1890 had sunk to $1,500,000,000. The years 1878 and 1879 are turning-points in the ideals of public finance, because, just as people had accepted the principle that the federal obligations were to be paid in specie and not in irredeemable paper money, a new question arose as to what was specie. The Bland silver act of 1878 was intended to prevent silver from being dropped out of

national use, and from that time until 1900 there was ceaseless discussion on bimetallism; all questions of taxation, of debt payment, of bond issues, and of treasury management were cabined and confined by this controversy. The ideal that silver had a moral right to the government mintage stamp was never accepted by the whole country, and for that ideal was finally substituted a statute in 1900, providing that all forms of government currency should be redeemable on the same terms. Another ideal, which at least always had a majority in Congress behind it, was that the soldiers in the Civil War had a special claim on the treasury; and the net result was that, as the veterans decreased in number, the pension payments pretty steadily rose.

One reason for this generosity was a new conception that it was desirable to spend money freely so that the taxes might not be reduced, and particularly the tariff taxes. The normal unsteadiness of the tariff is still more striking when, as was the case continuously after 1861, the tariff is laid not with an eye to revenue, but to its influence on home manufactures. An effort was made to put off the question of lowering it by cutting down the whiskey tax, but the temperance people rallied and the excise remained. In 1894 the Democrats had a majority in both houses and passed the Wilson tariff bill, which was expected to reduce the revenue, but made up for the gap by reviving the income tax. As that tax was soon disallowed by the Supreme Court, and a

commercial crisis checked business, the revenue fell off and there was a series of deficits which had to be covered by bond issues. The effect was to discredit the attempt to return to the ideal of a revenue calculated to meet the needs of the government, and also to check the intention of extinguishing the national debt.

State and municipal finance also suffered from the wealth of the people and the unparalleled incomes of the various governments. They had so much money that it seemed as though they could do anything, and therefore there were calls for more than they could possibly raise. The ideal of the budget is found in the states, which with few exceptions have moderate expenses and meet them from regular sources, so that they can plan to make their income just balance the outgo. The cities also try less unweariedly to make both ends meet. In state and local government, income and outgo are regulated by the same body of people, whether a city legislature or a board of estimate and appropriation; but the national government, with the best financial administration, has the poorest financial system: first, because of the uncertainty of what the income is going to be; second, because ever since the Civil War people have been accustomed to see income and outgo in disaccord; and finally because even the outgoes are not concentrated, inasmuch as they depend upon the appropriations, which since 1865 have been reported by several different committees. The only man who in any way

corresponds with the chancellor of the exchequer in England is the speaker of the House of Representatives, who takes some responsibility for the total amount of the appropriation bills.

The public book-keeping of most American governments is anything but ideal, and states and municipalities lack proper financial records. The federal government is too efficient, for it follows its finances into minute details, so that the treasury is called upon to decide such difficult questions as whether frogs' skins are dutiable as hides or as fishskins.[1]

Upon public finance Americans have formed several distinct and permanent ideals. The first is that the federal and state governments ought to select different classes of objects of taxation; but this practical division is confused, because some taxes, as on liquor, are concurrent, and because in times of need the federal government taxes legacies and other things which the states have considered their province. Americans have little objection to high taxes if they can see their results, and in 1906 they were paying about $16 per capita, which is about half as much as the tax in Great Britain ($30) for all purposes. They believe in exempting from taxation schools and, in most states, colleges and religious institutions, on the ground that they serve a public purpose. They are incompetent in the assessment of taxes of every kind, because unwilling to pay for

[1] An actual case raised in the port of New York in 1907.

and keep in office trained assessors able to take advantage of a growth in values. In general, the American looks on taxation as a necessary evil: few people run after the tax-collector to call his attention to omissions; and wealthy corporations, especially railroad and traction companies, hold back for years taxes assessed upon them, and resort to every technicality to avoid sharing in the public burden.[1]

The ideal of the tariff can hardly be brought within the discussion of taxation, because to the American mind it is not a fiscal but a commercial device. Although within the boundaries of the United States lies one of the largest areas in the world free from internal tariffs, millions of people feel sure that the prosperity of their country depends on preventing the freedom of external trade which is so prosperous within. Whatever the financial advantages or disadvantages of the tariff, it has a very unfavorable effect on the *morale* of the nation, because of the lobbying of Congress whenever it is under discussion; because the states (especially Pennsylvania) which feel most advantaged by protection therefore submit to corrupt bosses, who undertake to keep the duties high; and because it leads people to look to the Federal government as a distributer of special advantages to those who are shrewd enough to get into the favored circle. The effect of the tariff upon the wealth and productiveness of the nation is probably

[1] Eliot, *Am. Contributions to Civilization*, 179–182, 299–343; Giddings, *Democracy and Empire*, 159–163.

much exaggerated on both sides; the effect upon public life of the hope that the government will help out special lines of business is demoralizing.

Americans are always willing to pay a good price for a good article; in government they seem equally willing to pay an exorbitant price for a poor article. Foreign cities get more for much less money, in cleanliness, beauty, protection of life and property, and the convenience of living. The cities are not the only great corporations whose servants make money by secret contracts and waste it by inefficiency; but no other corporation has every man, woman, and child as a stockholder, or is so easily brought to account by a public election. The affluence of the country is made an argument against financial efficiency, and there are critics who say that nothing will make our city governments economical except hard times.

The old motto "Pay as you go" is not an American ideal either in private or public business. People are so used to seeing large improvements paid for out of bonds that wealthy cities like Boston borrow money to keep their pavements in order. The result is not only a large debt, but a public uncertainty as to what is actually being raised and expended from year to year.

In his public finance the American is an optimist. With the trifling exception of the fourteen states that, at one time or another, have repudiated debt, and of several cities which have been put into the

hands of a receiver, all the various governments keep going, spend money lavishly, yet pay the interest on their debts. The country is rich, and is likely to be richer, and if the city of New York wants water-works that cost $160,000,000, it enters on the work with perfect confidence; if the state of Pennsylvania wants a capitol at a cost of $4,000,000, it meekly allows the state government to involve it in additional corrupt contracts and payments to the amount of $9,000,000; if the nation thinks a Panama Canal desirable, it will have it, cost it $150,000,000 or $400,000,000. After all, if we keep up the interest on this enormous mass of public debts, why should not our children pay the principal? *Après nous le déluge!* Why should this generation distrust the soaring financial imagination of a great people?

CHAPTER XVI

TRANSIT

AMONG the things for which Americans are most willing to pay money is the means of moving themselves and their belongings from place to place. The face of the continent is not favorable for transit by any of the four common media—wagon-roads, navigable streams, artificial canals, and railroads. Along the Atlantic coast broad streams interrupt the highways: with the exception of the St. Lawrence, which edges away far up to the Northeast, nearly all the rivers are south-flowing. East-and-west canals, except through the valley of the Mohawk, are impossible because of the cross ranges of the Appalachians; and still farther west the towering Rockies present a barrier to railroad building. Nor did the original ideals of the people help them to help themselves. England had abominable roads, and was without the Roman tradition of solid highways which has had such beneficent influence in Latin nations. The country was poor and knew not how to enrich itself by spending money on highways.

Hence the conditions previous to 1780 were such as to make the sea the principal highway between

the colonies. On land the traveller had such experiences as Madam Knight's in 1704, who set out from Boston to New York with "the post," which was a man on horseback; and when he had to swim a river, his companion sought a canoe. Forty years later there were wretched roads all along the coast.[1] The few bridges and numerous ferries almost all charged a toll; and the best route from New Jersey to New York City crossed the Narrows and then crossed the East River. In the northern colonies the vehicle for the interior was the birch-bark canoe, which could be toted over the portages.

Governments little interfered with the face of nature. For a channel ten feet wide across a neck of land the town of Ipswich, Massachusetts, in 1652 granted £10.[2] The back country was too poor to improve or replace the natural waterways. In the ports a few piers were built, of which Long Wharf, Boston, was the most extensive. The only directions in which government concerned itself with transportation was laying out highways (which included the right of eminent domain, so that the necessary land could be taken, with due compensation); the maintenance of roads, which cost much hard labor because of the swamps; and some slight restriction on the coasting trade. The colonists were innocent of any ideals on the question of intercommunication.

[1] *Hamilton's Itinerarium*, passim; Hart, *Contemporaries*, II., 224–229.

[2] Felt, *Ipswich*, 54.

In the half-century between 1760 and 1810 Europe began to construct long stretches of lock canals on the Dutch model, and to build roads of macadam or chaussée, faced with a stratum of angular fragments of stone which would consolidate under travel. After the Revolution both these methods spread to the United States, where there was the more need because it was an era of rapid growth and the West had to be reached. The main administrative difficulty was a pernicious practice, which still exists in many parts of the country, that the farmers "work out" their road-tax. As in England, the desired improvement was taken up by turnpike companies, which in all the older states built solid straightaway roads, covered with stone or thick plank and fortified with toll-gates. The tolls on roads and bridges were a heavy tax on the travelling public, and the roads deteriorated, for nobody understood the necessity of frequent repairs.

In 1806 the federal government enacted, in 1811 it began, and in 1818 it completed to the Ohio River the Cumberland Road, which, in connection with private and state roads from the seaboard to Cumberland, made a good wagon highway from tidewater to the net-work of western navigable rivers. In this great work the federal government shielded itself behind a fiction that the funds for the road were drawn from the sale of western public lands. In fact, the money was appropriated as it was needed out of the public treasury, and involved such a

strain on the doctrine of implied powers that President Madison, in 1817, and President Monroe, in 1822, on narrow constitutional grounds, vetoed bills for making and repairing improvements. In spite of the vetoes the Cumberland Road was pushed on until 1838, when it had reached southern Illinois, and about eight million dollars had been spent upon it. The states quarrelled about its constitutionality, course, and terminus, and when it was paralleled by better means of transportation the sections of it were turned over to them.[1]

Meanwhile the invention of a practicable steamboat by Fulton, in 1807, revolutionized both eastern and western transportation. Though the first steamer that went down the Mississippi, in 1811, could not get back against the current, more powerful boats were soon built. Steam coasters appeared in the eastern protected waters and tidal rivers. The tributaries of the Mississippi abounded in steamboats that would run "in a heavy dew"; and, after 1825, steamers regularly plied on the Great Lakes. This put a new aspect on canals: if links could be built across the mountains to the western navigable waters, the Union would be gridironed with lines of water transit. The dream seemed realized when, in 1825, the Erie Canal was finished; and in the course of the next fifteen years canals were built from the Lakes to the Ohio, Wabash, and Illinois rivers; but scores of millions were vainly sunk in trying to con-

[1] Young, *Cumberland Road*, 78–103.

struct profitable canals across Pennsylvania, Maryland, and Virginia. Long before the canal system could be really tested it was superseded by railroads.

The canals established the ideal that the states ought to provide lines of transportation, with aid from federal land grants. If states could make local improvements, why could not the federal government make broader improvements? From 1815 to 1825 this question was raised and hotly debated in Congress, which made some subscriptions to the stock of canals near Washington. In 1822 began small appropriations for the improvement of coast harbors and navigable rivers; and in 1824 Congress appropriated money for a general survey of what by this time had come to be known as "internal improvements."

From 1829 to 1860 both the means and the ideals on this subject underwent great changes. People awoke to the fact that the country was full of potential wealth; mines were opened, land developed, timber cut, domestic manufactures established. As population increased the markets extended, and the problem of the exchange of commodities grew more important. No wagon-roads could meet the need, and the turnpike system lost prestige. The canals were very expensive to build and to keep up; they furnished cheap transportation—provided no attempt were made to pay interest on their cost—but the boats moved slowly, breaks were frequent, and ice put the canals out of commission. Every-

thing that went off the narrow line had to be carried on wheels.

The republic had now reached the limit of safe political development: the sections must have fallen apart but for the beneficent coming in of the railroad, an invention so simple that it seems amazing that up to 1830 there was not a locomotive regularly working on an American line. Between 1830 and 1860, about thirty-one thousand miles of railroad were constructed, most of it very light when measured by modern standards, built like turnpikes in lines of a few miles, which were not connected into through thoroughfares. Wherever they could they pieced out the water routes, thus making indirect and inconvenient lines, with no attempt to bridge the broad streams. At first the railroads were built by local capital, as neighborhood enterprises. In 1833 this conception extended to the city horse-railroads, of which about four hundred miles were constructed before 1860.

As the railroad gained on the wagon-road and canal, for a time there was a contention between the opposed ideals of state ownership and private ownership. The states of Massachusetts, Michigan, Pennsylvania, North Carolina, and Illinois built short state lines, and some of them looked forward to a public net-work. Most of the eastern roads, however, were built by private corporations under state charter. Some of the states, like New York, were satisfied to make money grants to a few railroads, or to lend the state's credit. The states that had

railroads grew tired of operating them, and either sold or leased them, so that by 1850 the idea of private ownership was victor. The federal government, in 1850, stepped in with its earliest railroad land grants, beginning with roads radiating from Chicago. Thus the steam highways, though they received the great privilege of eminent domain, became disassociated in the public mind from the ordinary streets and roads. They were not rich, nor alarmingly prosperous; as yet there was little combination into trunk lines; and consequently, in the public mind, railroads were very like the turnpike companies. Transportation seemed a long way from being a government concern.

The Civil War not only made new demands on existing transportation, but was the dividing line between an old and a new dispensation. The suffering of the South because of the want of trunk lines pointed the way to the rehabilitation of transit in that section; while the stifling effect of the blockade on the Confederacy was a lesson in the importance of foreign commerce. During the war also the federal government committed itself to a system of national Pacific railroads.

The ten years from 1863 to 1873 mark the establishment of the new system. Several new east-and-west trunk lines were developed, while the New York Central and the Pennsylvania each absorbed western roads and made through connections to Chicago, the ganglion of western commerce. The southern roads

were taken in hand, missing links were built, and in a few years there were several direct lines from Washington to Savannah, New Orleans, and Memphis, while new roads connected Ohio, Indiana, and Illinois with the southern states. Three parallel railroads sprang westward from the Mississippi to connect with the future Union Pacific at Omaha; several rival northwestern roads stretched up to and beyond St. Paul. Beyond the Missouri, lines were extending southwestward. In 1869 the Union and Central Pacific roads met, and transcontinental traffic was established. The Northern Pacific Railroad from the western end of Lake Superior was in progress, and the Texas & Pacific and the Southern Pacific were beginning southern lines. In 1863 the total mileage of railroads within the United States was 33,000; in 1873 it was 70,000.

The increase in mileage was only part of the improvement in transportation. By consolidation short links were brought together, and roads were built to do away with the short connecting water lines. In 1866 the locomotive wheel crossed the Hudson at Albany, and many other large streams were bridged. The crude and comfortless sleeping-car was developed into a "palace car," resplendent with wood veneers and plush, and quite as uncomfortable as before. Through cars, both freight and passenger, ran over connecting roads. Steamer service was also perfected, and better boats were constructed for Long Island Sound, the Great Lakes,

and the rivers. The railroads began to cater for excursions and tourists, as well as for the normal public. Ocean travel was enlarged by putting on regular steamer lines across the Pacific. In 1872 the Pennsylvania Railroad started the so-called American line of steamers to Liverpool, intended to carry their export traffic. In this process of railroad extension, most of the canals, excepting always the Erie Canal, went out of business; the railroads began the process of buying up private and even state ditches, so as to cut off competition. Another change was due to the perfection of the telegraph, which was widely used for controlling train movements, and was consolidated into the Western Union system, with one or another competitor on a smaller scale.

The most significant alteration in the ideals of transportation was through the federal aid to the Pacific railroads, which took the form of a land grant of 20,000 acres of public land in alternate sections for each mile of track, and on part of the lines loans of fifty thousand dollars per mile. The roads were a government necessity; but these wholesale subsidies called public attention to the close relation of government with transportation. That spirit showed itself also in a revival of appropriations for rivers and harbors, and in a subsidy paid for ten years to the Pacific Mail Steamship Company for transpacific lines, both beginning in 1866.

The year 1873 was a black one for the railroads, inasmuch as during that year and a few months

following twenty-four railroad companies went into the hands of receivers, carrying with them five thousand miles of railroad. The cause was that thousands of miles of railroad had been built into sections not yet settled; and others, like the West Shore and Nickel Plate system, from New York to Chicago, completed in 1887, were parallel with established trunk lines. The country was sound, if railroads and banks were not; and a new wave of prosperity soon carried the railroads with it, although during the next two decades there were several cases of bad railroad failures, particularly the Atchison, Topeka & Santa Fé and the Northern Pacific. The Erie, Baltimore & Ohio, and Grand Trunk companies built through lines to Chicago, making five parallel and competing lines to tide-water. The Chesapeake & Ohio crossed the mountains south of the Baltimore & Ohio. The projected Pacific lines were completed, besides a net-work in the Southwest, extending from the Mississippi River to the Gulf. The greatest change was in the improvement of the old lines, which went on steadily for thirty years: road-beds were rebuilt so as to get rid of bad curves and heavy gradients; Bessemer-steel rails, the manufacture of which began in 1867, took the place of the former wrought-iron rails. The gauges, of which there had been half a dozen, were reduced to the standard four feet eight and a half inches, with a small amount of three-foot gauge. Steel bridges were built as far down the Mississippi as Memphis, and across all the

eastern tidal rivers. The heavy rail and improved road-bed made it possible to carry more upon the axle; and the standard car-load weight of ten tons on eight wheels rose to forty and even fifty tons. Passenger-cars were heavier, took their heat from the locomotive steam instead of from the dangerous car-stoves, and were provided with vestibules, making the train instead of the car a unit. Air-brakes reduced accidents and simplified train service; automatic freight couplers saved the lives of railroad men; signals and block systems made it possible to run trains on short headway. Primitive railroad stations gave place to enormous terminals, such as the Lake Shore in Chicago, the Union Depot in St. Louis, and the Pennsylvania tunnel terminals in New York City.

This physical improvement was accompanied by new consolidations of roads. The twenty or thirty original New England railroads by 1907 came down to three systems; the New York Central and Pennsylvania made combinations extending from New York to almost all of the important cities east of Chicago and St. Louis. The Southern Railroad gathered up eight thousand miles, leading from Washington to almost all the southern cities. The Wabash contemplated lines from tide-water to Chicago and St. Louis; the Rock Island and 'Frisco united Chicago and St. Louis to the Gulf; the Northwestern, St. Paul, Burlington, and Great Western built radiating lines into the West and Northwest; the Great North-

ern, without a dollar of subsidy or an acre of public land, built its own road from St. Paul to Seattle.

The concentration of service was more striking than that of lines. Through sleeping-cars ran from the eastern coast cities to every considerable place east of the lower Mississippi and Chicago; while other services passed from Chicago, St. Louis, and New Orleans to Colorado and the Pacific coast. The sleeping-car service is with small exceptions wholly in the hands of the Pullman Car Company, which is a fine illustration of the apathy of a great monopoly: for, though it furnishes a convenient spider-wed radiation of through lines, the cars themselves are little more comfortable or ingenious than they were forty years ago. The principle of through service is applied throughout the country to freight, which can be shipped in car-loads from almost any station in the Union to any other.

Alongside the railroad development goes that of electric traction, which began in 1888 to take the place of horse-cars in a few cities, and soon supplanted animal power; it opened up distant suburbs, and developed into inter-suburban systems, some of them hundreds of miles in length. The trolleys bring their own troubles, for they concentrate business in a small district in the heart of a city; hence, elevated lines in four American cities, New York, Philadelphia, Boston, and Chicago. As they became overcrowded, subways have taken their place in the four cities named, and will soon appear in all the large

cities of the Union. In fifteen years a system of intramural traction has grown up which represents as much capital and almost as many miles of road as the old railroad system thirty years after its inauguration.

The marvellous growth of steam and electric transit has revived the three older forms of transportation. The bicycle, then the automobile, and sometimes the ordinary traffic demand better highways; and in 1906 the state of New York began the expenditure of fifty millions for that purpose. Possibly within the next half-century the United States may have a system of highways comparable with those of such rich countries as Switzerland or Croatia. Some of the cities, as, for instance, Buffalo and Washington, are actually well paved, and others would be if they had the commonsense to keep their expensive pavements in repair. The congestion of the railroads has thrown business back on the navigable streams, and the Mississippi River has at an expense of twenty million dollars been made navigable the year round. Dams are being constructed on the Ohio, in order to insure nine feet of water at all seasons, and on the Monongahela there is a six-foot waterway; other navigable streams are certain to be restored to service, all at the expense of the federal government. New York is spending a hundred million dollars for the enlargement of the Erie Canal, and people have awakened to the fact that, whether used or not, the great

waterways keep the parallel railroads down to a freight charge not far above what water-carriage would cost.

That demands for government control should come out of these mighty changes is inevitable. Beginning with Massachusetts, in 1869, about half the states in the Union have established railroad commissions, some merely to investigate and report, others with power to fix rates. The ruling of the federal courts in 1882 that no rate was "reasonable" and therefore legal which deprived the railroads of a fair profit checked the movement for regulation; but the railroads are now so rich and prosperous that in 1906 and 1907 a second wave of regulation swept over the country, taking especially the form of two-cent-a-mile passenger rate bills. Alongside of state regulation runs federal regulation, which began systematically with the interstate commerce act of 1887, the principles of which were extended and strengthened by the anti-trust act of 1890 and the rate bill of 1907. These acts proceed upon the assumption that a railroad as a common carrier is bound to keep careful accounts, to report to a government commission, to publish its rates, and to avoid discriminations between shippers.

State and federal regulation overlap and to some degree nullify each other; and the confusion has led to suggestions of public ownership. Three cities, Chicago, Detroit, and Cleveland, have come very near taking over and operating all the surface lines;

Boston and New York have built public subways and leased them to operating companies; and there have been repeated suggestions that the means of transmission of intelligence, especially the telegraph and the telephone, ought to be transferred to the public. Commerce little regards state or municipal boundaries, and of the three alternatives of unregulated private ownership, public ownership, and private ownership under national supervision, the third is the only one which seems to correspond to the national sentiment.

For nearly a century the problem of transportation has been in the American mind, and certain ideals have fixed themselves. In the first place, the nation has accustomed itself to the enormous scale of commerce; to regular shipments of perishable fruit three thousand miles by rail; to corporations like the Pennsylvania, with a gross annual income of six hundred million dollars; to combinations of capital, controlled by a single mind, greater than the sum of the national debt. Americans realize that they have a prodigious problem to face and that nothing but heroic methods will enable their governments to hold their own.

In passenger travel the American ideal is a very luxurious train, timed to go at an unsafe speed. Our grandfathers set out cheerfully for a five-day stage journey from Boston to New York in cramped vehicles over bad roads; nowadays people complain

of fatigue on a first-class train, with luxurious seats, dining-cars, stenographer, barber-shop, and bath-room. Really it is as easy to travel a thousand miles as a hundred — 'tis but to get in, be comfortable, and get out at the journey's end. That on many railroads the fast trains rarely arrive on time is a matter of indifference; the American would rather be out thirty hours on an eighteen-hour train than twenty-four on a twenty-four-hour train.

To accommodate this vast commerce the American has adjusted himself to a concentration of the transit business. About thirty individuals control most of the railroads in the United States, and the same men are interested in the more important steamship lines, on the Lakes, Pacific, and Atlantic. These consolidations and undertakings are convenient both for freight and passenger business, and the American still has unwearied confidence that he can somehow keep them in order.

Recent shocking discriminations and fraudulent book-keeping by the railroads have developed in the American mind the ideal of the publicity of accounts. For twenty years the railroads have been making returns on uniform blanks to the Interstate Commerce Commission, setting forth the conditions of their property and income; they have also been compelled to make public rates open to all comers; and the American does not intend that they shall deviate from that requirement by rebates or

other secret methods of giving advantages to favored shippers.

The American is interested in waterways, particularly since his gaze has been fixed on the Isthmus of Panama.[1] From 1878 to 1884 the French attempted to complete a canal there; for ten years more Americans strove to set up a rival route across the Isthmus of Nicaragua; then a succession of staccato events put the Panama route within the control of the United States government; and the American intends that that route shall always remain within that authority. Other canals constructed by state or federal authority are likely, within the Mississippi Valley, from Lake Erie to Pittsburg, and across the narrow land tongues which interrupt a protected waterway along the Atlantic coast.

As to public ownership, the American ideal is that it is the last resort, in case all other means fail, for keeping the business of transportation within such limits that the individual may have an equal chance. The American looks upon highways and waterways of every kind as a part of the nation's birthright, and he will take, judging from his past history, any step that is necessary to protect that keenly realized interest.

[1] Cf. Sparks, *National Development*, chap. xiii; Dewey, *National Problems*, chap. vii.; Latané, *America as a World Power*, chap. xii. (*Am. Nation*, XXIII., XXIV., XXV.).

CHAPTER XVII

THE OUTER WORLD

AN ill result of the undeniable contribution made by America to the ideals of human government is the notion that Americans can work out their own principles without the aid of any other people. "What have we to do with abroad?" said a United States senator from Ohio only thirty years ago; and the word "un-American" covers a multitude of virtues. In reality the roots of American institutions are the traditions of the English race; and America has never been separated from the great current of world affairs. From 1585 to 1815 her destinies were closely interwoven with those of Europe, and since 1895 the country has awakened to the fact that it is destined to be one of the half-dozen states which will powerfully influence the future of all the continents. The world is round about America, and America is a part of the world.

To be sure, the chief disturbing elements in modern history are the opening up of a new continent and the growth of popular government on American models. The sixteenth-century balance of powers was broken up when Spain, through the wealth

derived from America, suddenly rose to be the first power in Europe, and England became the Protestant champion. That America was rich seemed to Drake a reason for plundering it; that his colonies were plundered led Philip II. to fit out the Invincible Armada; that the Armada was defeated led to the peace of 1604; the coming of peace opened the way for the London Company to plant Virginia in 1607; that Virginia was planted was a new reason for hostility between the two naval and colonizing powers. From that time Spain, Holland, France, and England were rivals in America; their trading companies quarrelled and fought one another for the possession of islands like Trinidad, harbors like New York, and fur preserves like Hudson Bay. More than once differences in the colonies led to wars in Europe. The ideal of the time was to fight your neighbor for a foothold in America.

During the seventeenth century the natural enemy of the English colonists was the Spaniard, and English colonial diplomacy was occupied in justifying by argument and double-shotted guns successive takings of territory claimed by Spain: first, Virginia in 1607; then various West India islands, culminating with the conquest of Jamaica in 1655; then the Carolinas in 1663; until in 1670, after a century of denial, Spain was compelled, in the treaty of Madrid, to admit that there might be such a thing as an English colony in America. With Holland the traditional friendship between two neighboring Protes-

tant powers was broken in 1651, and four naval wars followed within twenty years, in the course of which the Dutch lost New Netherland, their only footing on the American continent. The French were strongly seated on the St. Lawrence, and, notwithstanding several wars, held their own both there and in Nova Scotia.

From 1689 to 1763, in four great wars, crowned by the treaties of Ryswick in 1697, of Utrecht in 1713, of Aix-la-Chapelle in 1748, and of Paris in 1763, England became undisputed master of the whole eastern half of North America. In all these wars and negotiations, the usual issue was the determination of England, at first allied with Holland, to prevent a combination of French and Spanish power in Europe and the New World. England was fighting for liberty of trade among other people's colonies, and also to prevent liberty of trade in her own colonies. The English were looking forward to a future when eastern North America should be a populous part of a powerful empire, and in the process developed the principle of sea power[1] —namely, that the nation that has control of the seas can pick up the enemy's colonies and destroy his commerce at pleasure.

Although the colonists went obediently to war or returned to peace according as they were officially informed that the Temple of Janus in Europe was open or shut again, they began to take a share in

[1] Mahan, *Influence of Sea Power upon History*, 324–329.

their own destiny. They engaged in land and naval operations, separate or in combination with British forces. They took Quebec in 1629, Port Royal in 1690, aided in the humiliating failure at Cartagena in 1640, captured Louisburg by their own might in 1745, and helped to take it again in 1758. Their privateers shared in the delightful risks of commerce-destroyers in all the wars. They had a confused sense that they were allies of the mother country.

Thus prepared by a century and a half of international relations, the revolting colonies in 1775 easily took up the rôle of a treaty-making state; and the United States of America was quickly accepted as one of the sisterhood of nations. France, Holland, and Spain all had old grudges which were gratified by the fracture of the British empire. Spain alone realized that the United States was the first independent power that had ever been established in America, and that its success spelled the eventual breaking down of the ancient ideals of European colonization; not even Spain understood how soon independent America would disturb the world's balance of power.

In foreign relations the process of nation making went on smoothly. At first a secret committee of Congress was corresponding through unofficial agents with Continental powers; in a few weeks the United States of America was commissioning and instructing ministers; in a few months Franklin, John Ad-

ams, and John Jay, the three most successful diplomats of that period, were proposing treaties to His Most Christian Majesty of France and to Their High Mightinesses the States-General of Holland. For the first time, America came into friendly relations with other than English-speaking people; and the French treaty of 1778 not only brought aid without which the Revolution would have failed, it included the untaxed admission of French goods, French officers, and French political ideas into America. Within the next four years commercial treaties were negotiated with Holland, Prussia, and Sweden. The United States had established a new ideal of external neutrality.

Still greater was the triumph of the treaty of peace in 1782, which was in essence a partition of sovereignty in America between Great Britain, Spain, and the United States. For the moment the British were disposed still to hold the daughter country by friendship and concessions of trade. Then came the first of several critical errors by Great Britain: observing that the French trade had already dropped off, and believing that the states could not form a close union, the desired commercial treaty was denied, and exasperating issues, of small moment in themselves, were allowed to accumulate.

The practical lessons of the Revolution as to external affairs were, first of all, that the new republic, however little experienced in international

relations, had diplomats who could make the most of every advantage: John Adams, emerging from his little law-office, was as vigorous and almost as successful as Franklin, the cosmopolite statesman. The second ideal was the possibility that the United States might become a sort of makeweight between France and England. The commercial conditions were those of a country without manufactures and exporting raw products, which desired free trade, and was willing to admit foreign shipping on equal terms with its own. It was therefore a keen disappointment when England accepted the commercial independence of the United States by withdrawing the preferred status which the colonists had enjoyed. For forty years to come the West India trade was not open to American bottoms. The consequence was an American theory, not at first shared by any other nation, that colonial systems and monopolies of colonial commerce were in their nature unjust and unfriendly to other powers.

All these crude and not altogether harmonious ideals were tested, or rather deflected, by the quarter-century of European wars following the French Revolution of 1789. Though recognized as a sister nation, the United States was only a little sister, destined to ask for many things that were not thought by her elders to be good for her. Lacking a navy, American diplomacy could be backed up by force only when directed against Canada or the Spanish possessions; and in the Napoleonic Wars

the great contestants both looked with disfavor on her neutral trade. Under these circumstances it was partly luck, but still more the farsight of her statesmen, which for the ten years from 1793 to 1803 made the diplomacy of the Americans undeniably successful. The effort of the French minister Genêt to stampede them away from their president was a failure. A threat of war brought England to concede the Jay treaty of 1794, of which the negotiator might have said, "A poor thing, but mine own": it had the unquestionable merit of preventing war and protecting American neutral trade. The Spanish treaty of 1795 cleared the southwestern boundary. After committing the blunder, so much worse than a crime, of trying to bribe the American negotiators in the X Y Z affair, the French government in 1800 ended a naval war by a favorable peace; and in 1803, after a brief renewal of Louis XIV.'s dream of a combined French and Spanish colonial empire, Napoleon turned over to the United States the immense Louisiana territory.

Then came twelve years of humiliation, in which American ideals of a neutral commerce, to be unrestricted except by incidents of actual war, collided with the passions of two nations engaged in a death grapple between "the elephant and the whale"—the French army and the English navy. The established principles of international law were set aside, and fifteen hundred American merchantmen were made prize under a series of iniquitous Orders in

Council and Decrees. American sailors were seized by British cruisers on the high seas, even on a duly commissioned American man-of-war. President Jefferson discovered that great nations at war are not moved by ideals of permanent self-interest, and that the rights and the friendship of little powers are not trump-cards.

Then the country entered into the War of 1812 at the inopportune moment when the snows of Russia were about to overwhelm Napoleon. In the war the Americans held a talisman which could sway even proud Albion: the victories of American cruisers, combined with the heroism of the privateers, convinced the English that, after all, David was a likely youth, whose sling might disturb the peace of the nations; and they agreed in the Peace of Ghent, in 1814, to terms highly favorable to the United States. From that time down to the Civil War the United States had the respect of all European nations.

It was a period when the hemispheres were educating each other. From America proceeded a current of popular government which, first revealed in the French Revolution, ran through western Europe. France, Germany, Italy, Spain, and, above all, England, felt the democratic spirit, accepted liberal constitutions or fundamental statutes, and several of them set up temporary republics. On the other hand, the Americans, by the right of descent, took to themselves the splendid heritage of English

law, government, and literature. Direct French influence declined after the eighteenth century, but the Germans, through their immigrants, through their influence on American educators, through their love of music, became a vital force in America. Every immigrating race brought some of its folklore and traditions, and perhaps its national beverages. Americans like Bayard Taylor visited Europe and wrote popular accounts of their experiences; while scores of Europeans published their American travels. The Atlantic, no longer a barrier between nations, was bringing the Old World and the New into touch.

Meantime the relations of the United States to her near neighbors were totally changed by the revolt of the Latin-American colonies, beginning in 1806, renewed in 1814, and completed in 1824; for it removed from both the North and South American continents every foreign flag except that of Great Britain (and, in the far Northwest, of Russia), and thus opened up a field of influence and of annexation in which the United States was paramount. The consciousness of a new responsibility was seen in the Monroe Doctrine of 1823; and the British sense of a new power in America caused the desire of George Canning, British foreign minister, to join in a declaration against the interference of other powers. Within thirty years thereafter Great Britain gave up her colonial system, then nearly two centuries old; met the United States half-way in fair compromises on

the boundaries of Maine and Oregon; entered into the reciprocity treaty of 1854 for Canada; and in every way strove to undo the national sense of ill usage from the mother country. Great Britain made no effort to prevent the expansion of the United States in Texas, New Mexico, and California; and, when those annexations brought up the question of an isthmian canal, by the Clayton-Bulwer treaty of 1850 again recognized the fact that the United States was an equal American power. The influence of the nation was felt also at the antipodes. In 1844 a commercial treaty was obtained with China. In 1854 the United States broke down the wall of seclusion which enclosed Japan, and opened up the commerce and the political life of that people to western influence.

Perhaps the dominant ideal of the United States in foreign relations was a spirit of territorial expansion, shown by eagerness to annex Cuba and thereby to acquire a foothold in the Caribbean Sea, a purpose prevented only by its complication with the growth of slavery. A second ideal of the time was that of special interest in Latin America, based upon the notion of "two spheres" of the world's diplomacy, an eastern and a western, each separate from the other. Another ideal was that of freedom of movement about the world: American travellers expected to be admitted into any country; the Yankee clipper-ship carried the American flag into every sea; and Americans stood for the rights of

neutrals. So far as they could, Americans applied their ideals of free movement, of equality, and self-government to international relations.

The Civil War disturbed international harmonies which had lasted for two generations, and upset the dearest American tenets of international law. To the mind of the federal government there was no such thing as neutrality in a civil war; hence the recognition by Great Britain of the belligerency of the Southern Confederacy was then and for ten years after considered a deliberate affront; and duly commissioned cruisers issuing from southern ports to prey on northern commerce were looked upon as nothing but pirates. The British mail-steamer *Trent* was seized; though, as President Lincoln said, "We fought Great Britain for insisting, by theory and practice, on the right to do precisely what Captain Wilkes has done." [1] Privateering, also, which from the dawn of civilization to the end of the War of 1812 had been the favorite pursuit of adventurous seamen, was now held up as a crime against humanity.

The prime reason for this outburst of public opinion was a feeling of rage at anything approaching good-will of foreign governments towards the Confederacy. The most decisive battles in the first two years of the Civil War were fought in London and Paris. When Earl Russell, under pressure from our minister, Charles Francis Adams,

[1] Lossing, in Nicolay and Hay, *Abraham Lincoln*, V., 25.

declared that he would not again receive the Confederate envoys, the first redoubt was carried; when, in 1862, Mr. Gladstone, a member of the government, publicly declared that "Mr. Jefferson Davis has made an army; he has made a navy and it appears that he has made a nation," a fortress was lost; when it was clear that foreign nations would forego their cotton, admit the right of blockade, and hold off their vessels of war, the battle with the neutrals was gained; and the armies were free to fight out the issue in the field.

Eventually the skill of Adams in England, combined with timely victories, persuaded England, in whose wake followed France, that the Confederacy would probably fail. Unfortunately, in derogation of international law, several Confederate cruisers built in British ports were allowed to go to sea; and this gave rise to a resentment which dangerously involved Great Britain and the United States. It was not the British nation, but the aristocratic government for the time being, which hoped for Confederate success; and after the government was liberalized by a reform in the suffrage in 1867, Gladstone, now prime-minister, was shrewd enough to see the danger of leaving the question alive; hence in 1871 Great Britain agreed to a so-called arbitration to decide upon the American claims, but in advance accepted rules which made it certain that Great Britain would be adjudged in the wrong. This was a great concession for a proud people; but

it probably averted war and made possible the Geneva arbitration of 1872, which limited the damage to fifteen and a half million dollars. While this controversy was pending the United States also adjusted a long-standing account with Napoleon III., who had taken advantage of the Civil War to set up a despotism in Mexico: in 1867 he was compelled to withdraw his troops, without arbitration and without indemnity.

In 1875, therefore, the United States found almost all its old controversies adjusted. The Civil War made the world understand the enormous potential military strength of America; but the ideal of the people was peace, and they had no objections to other nations making sacrifices to preserve it. The success of their arms led the Americans to construct new ideals of international intercourse: if they captured a vessel bound to Mexico, on the ground that her cargo was bound to Texas, thenceforth other nations must accept this principle of continuous voyages; if they intended that no other power should take Cuba away from Spain, that too was "crowner quest law." The most important residuum of the Civil War was, however, a great bitterness towards Great Britain, because the action of that power was supposed to have prolonged the war; but it was nothing like the bitterness of the Confederates, who felt that the English had deserted them in their hour of need.

The United States was now indubitably a great

power, but not a world power, inasmuch as most of her controversies and interests were within the two Americas. The rapid growth of general military service in Europe brought about difficulties with young men who emigrated to America and afterwards returned home; and by an act of 1865 and a series of treaties the United States admitted the principle that a naturalized American citizen might lose his citizenship by making a stay too long in his country of origin. In Latin America the United States began to use her influence to heal dissensions, or at least to compel warring powers to come to terms. In 1881 the effort to hold back Chile from annexing a part of Peru was a failure. In 1890 the national government was curiously favorable to the cause of a desperate dictator against a popular Congress in Chile. In 1895 the United States compelled Great Britain to arbitrate a boundary claim with Venezuela. In 1903 the same American state was protected against a threatened military occupation by Germany. These acts showed that the United States had an enlarged ideal of her duty to keep peace in America and to prevent European powers from setting up colonies or protectorates.

This general theory was extended to the Pacific, where the United States claimed a share in the Samoan Islands. It was shown in Cuba, where Spain was compelled to make peace after a ten-year civil war in 1878; and twenty years later the United States sent an armed force which compelled the

Spaniards to give up the island. By the annexation of the Philippines and some small Pacific islands and the Hawaiian Islands in 1898 and 1899, by sharing in the expedition of 1900 against the Chinese Boxers, the United States asserted an interest and a duty in Asia. Activity in the Pacific called renewed attention to the Panama Canal; when, in 1903, the United States came in possession of the canal strip by a treaty with the infant republic of Panama, there could no longer be any claim that the United States was simply an American power: from Manila to Maine, from Alaska to Porto Rico, the influence and the majesty of the United States was felt.

To summarize this swift and eventful diplomatic experience—the nation has acquired an ideal of open and almost public diplomacy. The publicity of democratic government has been thought unfavorable to a strong foreign policy, but somehow nothing upon which the people of the United States have set their hearts has been denied them: when they wanted unrestricted trade with other people's colonies, eventually they got it; when reciprocity with Canada seemed desirable, they secured it; when they wished to limit international trade by protective tariffs, all the European countries except Great Britain fell in with that notion; when their representatives pressed for the cession of the Philippines in 1899, they received the islands. Democratic simplicity

backed up by the force of ninety million people is sometimes brutally frank and explicit, but it carries its points.

Americans are little accustomed to consider the ideals of weaker neighbors. From 1789 to 1899 our diplomacy with Spain was a succession of ultimatums; hence people seem to suppose that the absorption of Canada can be brought about simply by talking about it; that we can annex Mexico and Central America whenever we feel like it; that the British West Indies are held by our sufferance.[1] Americans think that diplomacy, especially with weak powers, is a kind of solitaire.

As to colonial trade, the United States has seen a great light shine since it has acquired dependencies, and is now applying to the Philippines much the same limitations as to coasting trade and the movement of commerce there that caused such resentment when continued by Great Britain in the West Indies after the Revolution. We cherish the two ideals of the open door in China and of the closed door in our own dependencies.

Americans have an ideal and a practice of influence in Asia. They have already exercised almost an authority in the adjustments between the western powers and China, standing for fair dealing and the integrity of the empire; on the other hand, they are willing to offend four hundred million Chinese by petty squabbles as to whether a particular China-

[1] Bryce, *Am. Commonwealth* (ed. of 1901), II., 523, 531–534.

man is a merchant or a mechanic; and to antagonize Japan over an issue of threescore school-children.

Americans are prone to think that a nation with so many people, so many millions of money, and so many ships-of-war must always have sound views on contested questions of diplomacy, so that what is desirable for their comfort and the peace of their neighborhood seems to them international law. In 1895, Secretary Olney declared that the Monroe Doctrine was the "accepted public law of this country"; that "to-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects upon which it confines its interposition."[1] The very term "international law" means something that is a "fiat" only because of international agreement and general acceptance. The true spirit of the country is better expressed in its warm interest in the development through The Hague tribunal of a method of settling international questions outside the fiat of any one country. If there be an American ideal of the relations of this country with the outer world, it is that of peace founded on mutual understanding and mutual respect.

[1] Hart, "Monroe Doctrine in its Territorial Extent" (U.S. Naval Institute, *Proceedings*, XXXII., No. 3, September, 1906).

CHAPTER XVIII

WAR AND ORDER

ENSE petit placidam sub libertate quietem. So runs the motto of the ancient Commonwealth of Massachusetts, which full often has taken up the sword in quest of freedom's peace. The colonists brought over with them the kindred ideals of keeping order at home and making war abroad. As to domestic peace, the tradition of England was to preserve it by civil authority. Not till the authority of the ordinary courts proved insufficient, till the sheriff and his officers were resisted, till "the power of the county" had been in vain summoned, could the military be used; and even then only as an adjunct to the civil power. In case of war, troops were raised for short periods; and in the eighteenth century the annual renewal of the mutiny act was necessary to keep an army on foot. The growth of the colonies and the necessities of naval warfare compelled England to maintain a standing force; but in the colonies down to the Revolution there were no professional American soldiers.

Riots were common enough in colonial days,

when there was no police, such for instance as the land disturbances in New Jersey in 1745. There were several risings against colonial governments, especially the Puritan War in Maryland in 1652, Bacon's Rebellion of 1676 in Virginia, and the deposition of Andros in Massachusetts in 1689. From 1765 to 1774 there was a succession of riots, culminating in the Regulator movement in North Carolina in 1770, which was a genuine insurrection. Both the colonial and the home governments were hard put to it to deal with these demonstrations; for if the rioters were brought to trial they came before sympathetic juries; the militia could not be trusted to fire on their brethren; and the British regiments sent to Boston in 1768 caused more excitement than they allayed.

As against the Indians and their colonial neighbors the colonists made a more efficient use of force. The Puritans had behind them the Old Testament justification of attacks upon people who must be the enemies of the Most High, inasmuch as they were hostile to His chosen. The southerners from the time of Captain John Smith always had a fine love of a good war; and the only peaceable people in the colonies, the Quakers, controlled no government except that of Pennsylvania. Every able-bodied colonist was supposed to be subject to military duty, and many of them had experience on the frontier or in sea-fights. The colonist especially enjoyed himself as a privateer, that happy compromise between

a commercial traveller, a pirate, and a naval hero, who beat the Frenchmen and took their goods, defended his country, showed British pluck, and drew prize-money, all at once.

One effect of military life before the Revolution was to foster the traditional hatred of the Indian, whose ferocity was repaid with cruelty. The sea-fighting Americans gained experience and confidence, and came to look upon the high seas as part of their birthright. Since in the long-run they were victorious over their three kinds of hereditary enemies, Indians, Spaniards, and Frenchmen, they learned to think of the territory of their neighbors as somehow belonging to themselves. The most serious defect of colonial warfare was the lack of discipline of the militia, whom young Washington severely criticised in Braddock's campaign.

The crisis of 1775 showed that Americans could fight better than they could keep the peace, for the Revolution was essentially organized disorder. It began with riots, the breaking up of courts, the driving out of governors, with the tarring and feathering of men whose offence was that they preferred the law as it had been. The circumstances justified revolution; but the seizure of control in the assemblies, the imprisonment of the Tories, the silencing of discussion, showed that in origin the Revolution was not so much a war between the colonists and England as between two groups of colonists, one of which was supported by England.

When battle was once joined there was a national ideal of loyalty to the cause of the United States: Benedict Arnold was the only traitor. Nevertheless, nobody at first made preparations for a long war; and the army was so ill administered as to prove that the republic was not a good fighting power. The country was well-to-do, but transportation was poor, the commissariat ill managed, and Congress refused to offer inducements for a standing Continental army, and continued to rely on militia. The general officers were most of them brave and patient; but there was a lack of discipline among the lower officers, and a foreigner, Baron von Steuben, had to be called in to organize and drill the troops on European models.[1] The Americans made but two successful sieges, Boston and Yorktown; and won few pitched battles except in the Saratoga campaign. Those three exceptions tell the story of victory; for when Howe was glad to run away and Burgoyne and Cornwallis were captives, the Americans had acquired a sufficient military reputation. Though their little navy was eventually swept from the seas, John Paul Jones showed that they had learned the lesson of sea-fighting from "the lords of the main."

Hence, without figuring out the effect of the French aid or of the Whig opposition in Parliament, the Americans emerged from the Revolution with a

[1] Hatch, *Administration of the Revolution* (*Harvard Hist. Studies*, X.), chap. iv.

MILITARY EXPEDITIONS
ARCTIC CIRCLE
TROPIC OF CANCER
EQUATOR
TROPIC OF CAPRICORN
Pekin, 1900
Korea, 1871
Japan, 1853, 54
Shimonoseki, 1863, 64
China, 1854, 56
Manila, 1898
Hawaii, 1874, 89, 93
Samoa, 1871, 74, 86, 93
Mexico, 1847
Monterey, 1842, 46
San Diego, 1846
Santa Fe, 1846
Texas, 1836
Matamoras, 1865
Buena Vista, 1847
Greytown, 1854
Canada, 1812, 14
Quebec, 1775
Kaskaskia, 1778
West Florida, 1810, 13
Vincennes
Iroquois, 1779
Amelia island, 1812, 17
East Florida, 1814, 18
Cuba, 1906
Santiago, 1898
Porto Rico, 1898
Paraguay, 1859
Falklands, 1831
Whitehaven, 1778
Morocco, 1803
Algiers, 1816
Tripoli, 1801
120 Longitude West 90 from Greenwich 60 30 0 East 60

sense of being victors in a world contest. For the first time American military reputations brought the soldier to the front in civil life: Knox became secretary of war, Monroe minister to France, Washington president of the United States. On the other hand, the nation came out of the Revolution with a deeply rooted fear of military power, partly because of the Newburg Addresses of 1783. No lesson was learned as to the necessity of a better military organization: the nation and states alike held to the militia. Another national concept, resulting from the Revolution, was a deep hostility to Great Britain: fathers believed, and taught it to their children, that the colonists revolted because of intolerable tyranny, and that England was the enemy not only of the American colonies, but of human liberty.

As soon as the Revolution was over and the tension of the war of defence was removed, the states began to feel a need of self-protection. The frontier counties of Pennsylvania resisted the collection of an excise; the people of western North Carolina set up the separate government of Franklin; the founders of Kentucky threatened to leave the Union; the Shays Rebellion of 1786 threatened the downfall of the Massachusetts government. That some kind of force must be provided for the defence of government was impressed on everybody's mind, and the consequence was that the Federal Constitution gave express authority to use public armed forces in

behalf of the states, and implied authority to preserve the federal government.

In the next twenty-five years these powers were several times tested. The Whiskey Insurrection of 1794 and the Fries Insurrection of 1799 were put down without bloodshed. In 1806 the Burr Conspiracy was easily quelled. Jefferson's theory that the people can be trusted and that insurrections are of little moment, was severely tried by this episode, and also by the resistance to the embargo in 1808. The power of the federal government to maintain its authority was shown even where state governments interposed with remonstrance or threats, as in the case of Georgia and the Indians in 1790, of the Virginia and Kentucky Resolutions in 1798, of New England's protest against the annexation of Louisiana in 1803, and of the resistance of Pennsylvania to the federal courts in 1809. In all these cases the states gave way or forbore to push the controversy to an issue of force.

For keeping external peace the country still relied on a militia destitute of a genuine organization and real drill. Down to 1811 the land fighting was all with Indians, whose methods of warfare were successfully imitated by the frontier militia. A few thousand regular troops were kept under arms, and the naval branch of the service was revived in 1794, saw a little service in the French naval war of 1798, and, despite Jefferson's dislike of costly force, won confidence and victory in the Barbary Wars from

1802 to 1805. Then came the War of 1812, which seemed designed by Providence to teach the Americans that free institutions do not of themselves create trained soldiers or efficient officers. The field of land war was strewn with the dead reputations of commanding officers; and the nation underwent the deep humiliation of the destruction of the national capital; but the magnificent conduct of the American navy on the lakes and on the ocean showed what Americans could do in a disciplined service with men properly armed and supplied. Upon England especially the lesson that, ship against ship, the Americans were their equals as navigators and fighting-men was never lost. The naval victories, combined with the defeat of the British by Jackson in the closing days of the war, left on the minds of the Americans the impression of a second national success.

The dissent of New England and threats of withdrawal in 1814 were evidences that the federal government must either set up some principle of compelling obedience even against the will of a state, or must accept the possibility of its own dissolution. In 1832 that issue was distinctly raised by South Carolina, and the federal government then thought it prudent to make terms.[1] After 1830 attempts were made to assail the government of several of the states. In 1837 the people of Ohio and Michigan almost fell to fisticuffs over the question of

[1] See chap. ix., above.

their boundary. About the same time the authorities of Maine came near a collision with their neighbors in New Brunswick. In 1839 the holders of the patroon lands in New York refused to pay their quit-rents and defied the state government. In 1842 two rival state governments were found in Rhode Island, and their adherents faced each other in martial array at Acote Hill.[1] In most of these controversies the federal government acted the part of peacemaker, and none of them led to real civil war.

In lesser controversies the law was defied and sometimes public force had to be used. Liberty inclined to run to mobs at election time; but religious intolerance was at the bottom of the destruction of the Catholic convent in Massachusetts in 1835; and the law-abiding people of Illinois showed their dislike for the Mormons by lynching Joseph Smith in 1844. The most serious and persistent disturbances of the peace came from slavery—or rather from protests against slavery—or rather from intolerance of such protests. In Alton, in Cincinnati, in Utica, in Philadelphia, in New York, in Boston, there was a series of violent riots between 1835 and 1840, in which one man was killed and William Lloyd Garrison barely escaped destruction. The place of these disorders was taken in the South by extra-legal silencing of the few abolitionists who ventured to make an appearance, and by lynchings,

[1] Mowry, *The Dorr Rebellion.*

sometimes of white men, more often of negroes, with occasional scenes of torture.[1]

The decade from 1850 to 1860 was in many ways disturbed and tumultuous. The anti-slavery people repeatedly assailed the officers of the law to free fugitive slaves. From 1854 to 1856 there were in Kansas two rival governments, each claiming the allegiance of the people; it was practically a civil war, in which the federal troops finally took a hand by breaking up the free-state legislature. The principal disturbance of this period was a conflict between the Mormons in Utah and the federal government: it was necessary in 1858 to send out a body of troops, before whom the Mormons finally yielded a sullen submission. In 1859 the John Brown raid caused the calling out of United States military forces and aroused the resentment of the southern states.

In the Indian wars of this period regular troops were commonly employed; but in the Mexican War, from 1846 to 1848, there was the traditional combination of a few regulars with militia. Nevertheless, two excellent general officers were produced, Taylor and Scott; and as the military problem was a small one and the Mexicans were poorly organized and trained, the result was a victory in every pitched battle of the war and the almost unopposed conquest of New Mexico and California. From a military point of view, the Mexican War is notable as a

[1] Cutler, *Lynch Law*, 91–124.

school of later commanders: on the roll of officers appear the names of Jefferson Davis, Braxton Bragg, Robert E. Lee, U. S. Grant, and W. T. Sherman. Two presidents, Jackson and Taylor, were in this period brought to the front by their military reputations. New questions of ideals in government arose out of the occupation of conquered territory: Scott levied military taxes; a military government was set up in California; and the United States had some experience of the difficulty of applying Spanish law to American conquests, both before and after they were incorporated in the Union.

The Civil War brought into relief the national conception of the right of a government to maintain its authority by force. Much against its will the federal government was obliged to analyze the different kinds of resistance to authority: it began by treating secession as a technical offence which would cease to be regarded as soon as people returned to their normal relations; then, when Fort Sumter was attacked, set up the theory that every individual owed his allegiance to the federal government and that no act of a state could relieve from the penalties of treason. The conflict at once assumed such dimensions that the notion that war was being fought simply to get possession of rioters and traitors so that they might be tried by the judicial courts was left behind: the theory of a simple domestic insurrection had to be abandoned.

Might there not be such a thing as rebellion, in

which the states as communities were involved? It was contrary to the whole northern theory of the Constitution to admit that states as such could be anything except states in the Union; but the North had to face the disagreeable fact that the only governments existing in the South were engaged in war; that there was a régime of law and civilized government both in the states and in the Southern Confederacy.

A third theory as to the use of force, and the only one which fitted the circumstances, was that of civil war; in which, whatever their moral motives or their constitutional status, both the people and the governments of eleven states were taking part. Humanity and common-sense combined to compel the Union to recognize that a state of war existed.[1] This conception transferred the object of the war from the punishment of individuals or the restoration of states to the simple problem of breaking down the armies which defended the Southern Confederacy. Besides operations in the field, the federal government resorted to confiscation of the property of rebels and to the emancipation of all slaves within the Confederate lines. Finally their arms were victorious, and the Southern Confederacy, together with the secession governments of the states, thereby disappeared.

On the theory that somebody must be held accountable, a prosecution for treason against Jefferson

[1] See p. 152, above.

Davis was instituted, but dropped because he was part of an organization of millions of people, and to make an example of one man after resistance had ceased would have seemed murderous. The only federal punishment decreed against former Confederates was exclusion from office, in most cases temporary. The states as such could not be punished, but penalties were contrived for the people of the seceding states by disfranchising numbers of the whites, and by requiring the acceptance of obnoxious constitutional amendments.

During the war Americans on both sides had a new and unwelcome experience of military government, made bearable only by the public confidence in President Lincoln. *Habeas corpus* was early suspended, and thousands of civilians were imprisoned without charge, proofs, or examination of disloyalty. Provost-marshals exercised military law in the northern cities. In 1863, Vallandigham was condemned by a military tribunal and banished. In 1864 one Milligan was sentenced to death for a secret conspiracy by a similar tribunal. A fearful draft riot in New York City in 1863 was put down only by soldiers, after great losses of property and life.

The war was fought chiefly by state militia regiments, Congress never being willing to provide a sufficient force of regular troops. The material was good and the regiments were by experience moulded into excellent troops; but regimental officers were

commissioned by the states, many incompetent civilians got commissions as general officers, and it took three years' hard fighting to establish the principle that the best officers are trained officers. Without exception, the greatest names of both sides are those of West-Pointers.

After so much violence, bloodshed, and irregularity, it took the country ten years to return to its peaceful ideals. The southern states were in a state of unstable equilibrium, and the result was an outbreak of lawlessness, symbolized by the Ku-Klux Klan; and, on the other side, the maintenance of federal garrisons. To the old acts of 1792, 1795, 1807, and 1833, authorizing the use of force for the protection of government, several new force acts were added in 1870 and 1871. The result was that the enmities and difficulties of the Civil War continued, till in 1877 the last federal troops were withdrawn and the white southerners were left free to control their governments.[1]

The net effect of the war and reconstruction upon American ideals was first of all to make the military man the popular hero. For a generation North and South were left with an apparatus of military schools, military boards, military titles, with military candidates for civil office, with organizations like the Grand Army of the Republic and the Confederate Survivors' Association. As in several previous wars, success blinded people to the terrible

[1] Sparks, *National Development* (*Am. Nation*, XXIII.), chap. vi.

wastefulness of the process: a poor and clumsy military system, which divided responsibility between the federal government and the states, between the war department and the generals in the field, between the armies and the departments of subsistence, between regular and state regiments, was responsible for the loss of scores of thousands of lives and hundreds of millions of treasure; yet nobody afterwards took steps to provide a better weapon for a future need. The use of railroads for carrying troops on both sides called attention to the military value of good transportation, and influenced government aid to the Pacific railroads. Military government, both by the United States and by the Southern Confederacy, was unpopular; and when reconstruction was over the country returned to its old methods of dealing with disturbances of the public peace. The practical effect of the Civil War was to demonstrate that there will always be a powerful group of individuals and states who will deny the right of secession, and therefore it is useless to appeal to it as a constitutional and peaceful principle.

Since 1877 the country has had to deal with no outbreak threatening to the federal government, nor has any state been in fear of its own people; but there have been several little Indian wars, many outbreaks of mobs, and one foreign war. Many of the riots were due to labor troubles, almost invariably from the effort of sympathizers, and too often

of the strikers themselves, by brute force to prevent other men from working in their places. The labor union has a great principle behind it, the necessity for the weak to combine their forces; but every effort to drive away, maim, or kill a "scab" or "strike-breaker" is a confession that the union does not control the whole trade, and an assertion that independent workmen remaining in the minority have no rights. Another type of riots, the lynchings, chiefly in the South, are a similar abdication of the principles of American self-government and "makes chaos of our government by law":[1] they are an acknowledgment that the regular judicial courts, set up and strongly influenced by the lynchers themselves, would not take the same view as to the guilt of accused persons that is taken by an irresponsible mob.[2]

After the four experiences of the Revolution, the War of 1812, the Mexican War, and the Civil War, it is humiliating that in the Spanish War of 1898 the lessons of those costly experiences were ignored. Again militia regiments were called, few of which were properly drilled or equipped. With immense difficulty a people of seventy millions despatched a force of twenty-five thousand troops to Cuba, and, after a few weeks' campaigning, withdrew them to save their lives from fever. The army was well officered, but the transportation and supply depart-

[1] Taft, *Four Aspects*, 49.
[2] Cutler, *Lynch Law*, 231–245, 260–262.

ments were inadequate. The brilliant success of the navy overshadowed the perplexities of the army for the time being; but after the war steps were taken to organize a general staff, a war college for military officers, like that previously established for naval officers, and to make intelligent and systematic preparation beforehand for any future war. The principal effect of the war on the public mind was to show the extraordinary power of sensational newspapers in working up popular hysterics and in magnifying petty incidents of warfare. To many thousands of the Americans, the Spanish War was a great free spectacle, in which real men-of-war manœuvred, real regiments marched across the stage, and the black-and-yellow flag invariably did homage to the stars and stripes.

Something has been learned by Americans in three centuries, some fixed ideals can be discovered as to the use of force in war and for the maintenance of order. The first is that, though Americans praise peace and find it greatly to their interest, they are in a chronic state of expectancy of war. As Artemus Ward put it: "I'm in favor of this war and also of the next war. I've been in favor of the next war for over sixteen years." Living in a territory which is unassailable by any military force that could be transported to our shores, recognized throughout the world as one of the half-dozen most powerful nations, free from direct interest in the

problems which beset European powers,[1] the American people love to talk about war; and by their annexations in the Pacific have involved themselves in controversies which may lead to war.

This warlike spirit arises partly from a genuine patriotism, a belief in the United States, a confidence in its principles, and a desire to make them known among all nations. Nevertheless, the outward demonstrations of patriotism, such as the excessive enthusiasm shown for military heroes, are in many instances simply the great American people worshipping the great American people.

However warlike and patriotic, the Americans are still unwilling to take those steps which the experience of mankind has shown are necessary for a bellicose people. Tocqueville, seventy years ago, devoted a chapter to "Causes which render democratic armies weaker than other armies at the outset of a campaign, and more formidable in protracted warfare."[2] The difficulty is that Americans like armies much better than they like soldiers. It is not simply an English fashion which causes American military and naval men to put off their uniforms, except when on official duty; it is because people dislike distinctions between gold lace and black broadcloth. With reluctance do Americans admit even the necessity of intrusting their armies

[1] Eliot, *Am. Contributions to Civilization*, 6–8, 373–381.

[2] Tocqueville, *Democracy in America* (Spencer ed.), II., 291–295.

and navies to expert soldiers, technically educated; it seems like an undemocratic distinction.

On the other hand, Americans have by bitter experience learned that the peace of the community in the long-run depends upon soldiers. The local police in many cities are a political machine; in New York they have tried to lift them out of that degradation by giving them a permanent tenure, with the result that they are practically beyond dismissal and are becoming a prætorian guard, which defies its superiors and makes terms with criminal elements of society. A few states are establishing desirable systems of state police to deal with the lawlessness of rural communities and to break up the dangerous class of criminal vagrants. The imperfections of the police lead many individuals and corporations to protect themselves by private armed guards, commonly called "Pinkerton's men"; this is a reversion to the Middle Ages and stands in the way of the proper responsibility of the official guardians.

A reign of lawlessness is already inaugurated in some parts of the country. In no part of the civilized world are there so many murders and so many unpunished crimes as in the great American cities. Chicago, New York, Philadelphia abound in footpads and in violent crimes, which the police sometimes favor or cover: that is doubtless one reason for the alarming quickness with which in any great city a mob can be raised. The police have their faults, but they many times risk their lives in rescu-

ing innocent people from mobs. In the South, on the other hand, the police rarely effectively interfere to protect a negro who is once in the hands of a mob.

The Americans in general have lost confidence in the courts as a means of protection to life and property from open violence. If a man's house or business is threatened by a mob, he gets very little satisfaction from the courts: they act slowly, act after the harm has been done, act on technical rules of evidence, and permit exasperating retrials and appeals. If they convict, a pardon may take the criminal out of the hands of justice.

Americans, therefore, have come to expect that state militia will be called out whenever disorders get beyond the power of the local police, but experience has shown that this is a poor reliance: for governors may hold back; the militia when called on may decline to fire; it takes a great many of them to be of any use. Therefore, whatever his views as to militarism, the American whose life and property is endangered by mobs confidently and rightfully expects protection by United States troops, who in the last thirty years have repeatedly been called, sometimes at the request of state governments, sometimes on the responsibility of the president because the execution of federal laws and services is impeded. In the Pittsburg riots of 1877, the Chicago strike of 1894, the earthquake period in San Francisco in 1906, the sight of the blue-coats

or the men in khaki was the welcome signal of law and order; for those men are disciplined, they obey orders, they shoot with ball, they represent the ultimate protection of society.

Behind them stands the mighty, though too often silent, force of public opinion, which holds to the ideal of order. To that force appeals the vigorous police commissioner determined to have his orders obeyed, the fearless public prosecutor, the upright and decided judge. America is a tumultuous, uproarious country, long-suffering to disturbances which in some countries would mean the breaking down of government; it prefers a roundabout machinery for the punishment of delinquents; but in the last resort there is a strong feeling of the rightfulness of using public force to repel private violence. In this respect, as in so many others, democracy lets things go apparently at loose ends, because it is sure of its power to resume its authority whenever the sovereign so wills.

CHAPTER XIX

THE ASSURANCE OF AMERICAN DEMOCRACY

WHAT have critics to do in America, so big, so lusty, so confident, so proof against the arrows of the theorists? Of democracy did Job's friend speak: "Canst thou draw out Leviathan with a hook? . . . When he raiseth up himself the mighty are afraid. . . . He beholdeth all high things: he is a king over all the children of pride." Possibly Leviathan is willing to be told of his strength and sleekness; and the time has come to review the achievements of three centuries, and to see how far American democracy has developed ideals of moment and passed them on to the rest of the world.

The first such ideal is the power of man over nature. With courage and imagination, with unstinting labor and sacrifice, the Americans have subdued a continent. To the whole people has been communicated the eager, restless, and somewhat materialistic characteristics of the West.[1]

As a part of this process America has established

[1] See Bryce on the "Temper of the West," in *Am. Commonwealth* (ed. of 1901), II., 829–839.

once for all the possibility of a democracy on an area immense and various. The Roman republic was but the centre of a spider-web, and the medieval type of republic was a walled city; the federal union covers half a continent, and includes communities of many kinds, bound together by bands of steel. The railroad section-hand, the fireman on a river steamer, the laborer hewing a tunnel through the Rocky Mountains, are helping to transfer popular government to children's children.

Nor has this been the work of a single race: every nation of Europe and some of the other continents have sent their sons, who after a few years are become all Americans. That conquerors should force their civilization upon the conquered is familiar in history; but the modern *Völkerwanderung* melts away into the standards and the institutions of Englishmen.

National ideals have also interfused men of the English strain. With all the divergences of East from West, of North from South, the American is a recognized type. In forty-five states there is substantially one civilization: in the multitude of churches, one Christianity; in the variety of peoples, one national language; with schools of every sort, a common system of education. From end to end of the country, women are admitted to a social and economic liberty not matched in the world. There is a common hopefulness, a common patience with evils against which a virile people ought to strive, a

common fatalistic expectation that things will come about whether preparations are made beforehand or not. From end to end of the country there is almost a mournful likeness of political institutions—the same governor, legislature, system of courts; the most ingenious people in the world are the least eager to try experiments in governing.

Within this society of uniform aims the classes understand one another better than in other countries. It is easy to make money and to lose it. Class distinctions are little felt in rural regions; but they are sharp enough in the larger communities, where race is set off from race, the wealthy mill-owner feels above the doctor and lawyer, the professional men hold aloof from mill-bosses and tradesmen, these business classes are out of harmony with the mill-hands, and the toilers insist on social distinctions among themselves. Yet these social bounds are not hard and fast: the son of a laborer may go to college and come out a lawyer or a capitalist; and the son of the mill-owner may lose his money and social standing together. The groups of foreigners who stand aloof because they do not learn English give place to their children, who call themselves Americans. The only fixed race exclusion is that of the negroes.

The greatest success of democracy has been in establishing as an unquestioned national ideal the doctrine of fundamental rights. The common man does not stop to consider whether these are "natural

rights," or "civil rights" resulting from compact; he only knows that he and his neighbors have them. He intuitively insists on the ideal that public authority should be limited; that the effective place of limitation is in the state and federal constitutions; and that it is the duty of the courts to keep the other departments of government within those constitutional limitations. This ideal of indefeasible rights automatically carries with it the ideal of equality, and behind it a conception of justice as the foundation of human relations.[1] And down to the bottom of the whole mass of society penetrates the thought that justice must not be denied to any individual or class, lest some other person or group thereby lose his rights.

The might and majesty of government seems opposed to the ideal of natural right; but the conflict between the mass and the many, between the collective and the individualistic ideals, is allayed by the use of representation. Yet the national ideal of popular government in the United States is to hedge the representatives about with "thou shalt nots"; to give power while withholding it; to elect uninstructed delegates who shall still be responsible to their constituents; to select law-makers and then to pass laws over their heads by the referendum; to choose legislators by majority vote, and yet to make them represent the rights and interests of the minority. To secure responsibility is the most difficult

[1] Edmond Kelley, *Government or Human Evolution*, 360.

task of democracy; but, somehow, the people usually in the long-run obtain through their representatives whatever they think essential.

The history of the United States abounds in proofs that democracy has made some lamentable failures; from John Adams's *Discourses on Davila* all the way to the discouraged generalizations of Lecky, the world has heard of democracy's changeableness, of its contempt for tradition and experience, of its impatience of authority, of its love of the flatteries of the common demagogue, of its dislike of really great characters, of its effort to pull everything down to its own level.[1] And one only needs to read the daily press, to scan the funny papers, the daily cartoons, and the comic supplements, in order to realize the materialistic and commonplace side of American society. "It seems, at first sight, as if all the minds of the Americans were formed upon one model, so accurately do they correspond in their manner of judging." [2]

The lack of discrimination between high things and low is reflected in the confusion and the dirt of many phases of American government. Why should a rich and inventive people suffer rifts both in the street pavements and in the public conscience? Why should city governments be so much less

[1] See Bryce's summary of such criticisms, in *Am. Commonwealth* (ed. of 1901), II., 563–580.

[2] Tocqueville, *Democracy in America* (Spencer ed.), I., 263.

profitable from the business point of view to their stockholders, the public, than railroads and insurance companies? Why should people put up with rapid-transit commissions that are ten years coming to a decision? Perhaps one explanation is the national tradition that the affairs of government can be directed by any intelligent man, which is the transfer of the ideals of the town-meeting and the county convention to the affairs of a nation: to admit that life-long experience makes a man a better legislator or governor seems to be a denial of the doctrine of equality. Therefore American democracy is fairly open to the charge that it tolerates mediocre men in public life. There are United States senators of years' standing who never offer a public bill, make a set speech, or figure in any way except as a party counter when the vote comes to be taken. In cities and in states such technical services as streets, public buildings, and water-works are controlled by boards of laymen who may or may not take the opinion of their engineers. Contempt of the expert, confidence in the untried, willingness for party advantage to put the lesser man into the larger place, are real faults of democracy.[1]

The larger the expenses of government, the more opportunity for its falling into the hands of party men, whose principal ideal is to carry the next election or to shut out a rival faction. Party spirit was weak in colonial times, reached its fiercest and most

[1] Cf. Godkin, *Problems*, 108, 109.

relentless point in the Revolution and the Civil War, and has somewhat declined. Parties, like the religious denominations, are no longer animated by unreasoning contempt for the other side; and a large "unreliable"—that is, independent—vote looks forward to reforms which it is willing to reach indifferently by voting for the candidates of party A, party B, or a third party. Nevertheless, a large part of the voters in the United States throughout their lives stand ready to "vote for the devil, if he gets the regular nomination."

The evil converse to this intense party spirit is the apathy of the voter who, accused of being "on the fence," replies: "Of course I am; it's the only clean place." In most other countries the rich man inherits or seeks a part in public life; in America some representatives of that class get into politics simply by paying party campaign expenses for a sufficiently long time; others by native ability and popularity, backed up by wealth; the larger number look upon politics as outside their life and interests.

Democracy is chargeable also with a changeable and restless spirit, which interferes with the formation of fixed and conservative ideals. Immigration and re-emigration have something to do with it; in 1900, fourteen million native Americans were not living in the state in which they were born. "In the United States a man builds a house to spend his latter years in it, and he sells it before the roof is on: . . . he settles in a place, which he soon after-

ward leaves, to carry his changeable longings elsewhere." [1] In this change of environment people confuse or lose their ideals, public men appear and disappear, national standards are lost or confused. Allied with this unrest is a national love for excitement, upon which thrives the worst influence in America, the sensational press. When people prefer scare head-lines and big, red type to an accurate account of what goes on in the world, what becomes of that sane and rational public opinion which alone can save democracy?

Democracy must also meet the current belief that its ideals do not exclude the most scandalous corruption. In national, state, and municipal government, from time to time, some revelation comes to show how many public officers look upon government as a cow to be milked. Corruption is no monopoly of popular governments: never was there fouler public service than under the French Second Empire. American democracy must, however, accept the responsibility of condoning corruption: the best public men, whether they will or not, are likely to find that votes have been obtained for them by the use of money or of corrupt influence; and there are few other parts of the civilized world in which a man known to depend upon the worst methods can year after year hold his constituency and thus retain his political power.

[1] Tocqueville, *Democracy in America* (Spencer ed.), II., 144, 145.

Democracy may make many failures and yet not be a failure. Are there conditions which threaten the national ideals? The territorial extent of the United States is a just ground for alarm. The continental area is neat, compact, and nearly all included in statehood. The West Indies lie near by, and more of them than Porto Rico may adhere to the United States. Alaska can be cared for. But the isthmus strip, if, as President Hayes said, "a part of our coast line," raises some disagreeable reflections as to where our future southern boundary lies. Probably the United States can assimilate all its present territory except the Philippine Islands: with the best will in the world, they are too far away, too alien, too imbued with hopes of a different destiny, to accept national ideals and become a loyal part of the American empire.

Otherwise the danger of sectional divergence seems to have passed away. Almost all the European countries have to deal with irreconcilable regions: England has Ireland, Germany has Posen, Austria has Hungary; no such region exists within the United States. The North and South still have different ideals as to the negro race, but they are united by personal relationship, commerce, and common standards. The East, the Middle West, and the Pacific slope are interdependent for supplies and for outports. So long as the East furnishes capital for the development of the West there will be quarrels over finance, but there will also be an

intimacy of business interests, a free exchange of people and of ideas.

It is still possible that rivalries may spring up among different classes or interests, such as the farmer against the merchant and manufacturer,[1] or the producer against the middleman and the consumer. These elements always struggle among themselves to fix their relative shares of the national output; and Jeffersonian Republicans, Jacksonian Democrats, and post-bellum Greenbackers and Populists have carried the rivalry into politics. The workman and the city dweller have their separate contests; the operative and the skilled workman, on one side, and the employer on the other, have opened up a battle which rages throughout the western world, and which especially disturbs democracy because it brings the most personal and passionate issues straight into parties and elections, and even aims at the reconstruction, if not the destruction, of existing government. The strife between labor and capital is akin to the struggle between the poor and the rich, which hardly existed previous to the Civil War. Conventional democracy, with manhood suffrage, would seem to assure the victory in every such contest to the most numerous class; but the effort of the rich to fortify themselves against superior numbers has led to much of the political corruption in America. So far the remedy has been the ease with which the poor man acquires property,

[1] See chap. vii., above.

the property-holder becomes well off, and the well-to-do man enters the ranks of the rich.

That ruin is the future portion of American democracy, that its cherished ideals doom it to failure, has been the belief of many observers. Tocqueville regretfully predicted that democracy "will in the end set all the guarantees of representative government at naught." Edward A. Freeman in 1863 wrote a *History of Federal Government* which came down "to the disruption of the United States of America."[1] Sir Henry Sumner Maine, in 1885, proved to his own satisfaction that American government was nothing but a plagiarism of English government, and went to the wild excess of admitting that "American experience has, I think, shown that, by wise Constitutional provisions thoroughly thought out beforehand, Democracy may be made tolerable."[2] Lecky, a more genial spirit, concluded in 1896 that, "on the whole, American democracy appears to me to carry with it at least as much of warning as of encouragement."[3] And he saw no evidence that democracy had established itself anywhere as a permanent form of government.

When all these dangers have been examined, there is still hope of the permanence of American democracy, because three centuries of experience have

[1] Freeman, *Federal Government*, title-page.
[2] Maine, *Popular Government*, 110.
[3] Lecky, *Democracy and Liberty* (ed. of 1899), I., 136.

shown that there are national ideals stronger than any destructive forces. The first of these is what an observer calls "the intense faith which the Americans have in the soundness of their institutions, and in the future of their country." [1] Americans are as well acquainted with their own defects as most people, besides the incomparable advantage of having them pointed out from week to week by *The Nation;* and they expect as a people that "to-morrow shall be as this day, and much more abundant."

Nor does democracy endure simply because people think it a good thing. It lives and will live because no rival system can take its place. Monarchy is as impossible as theocracy: even the one-man power of a military dictator is too far away to be even a respectable dream. Communism, or even collectivism, is impossible; first, because there is no such thing as putting a hundred million people back where the Indians began; still more because so many of the voters have more now than they could ever get under any system of collective ownership or distribution. Socialism, whatever the vague term may mean, is impossible; the trade-unions move in that direction, and if they could become a majority of the voters, or a majority of the physical strength of the country, they might make the experiment; but it is contrary to all the ideals of individualism, of equal opportunity, of restraint on government, of inherent rights, which for ten generations have been

[1] Bryce, *Am. Commonwealth*, II., 283–350.

the meat and drink of Americans. Paternalism is impossible, if by the term is meant government support and direction of all great enterprises: the protective tariff looks that way, but it is impossible to say what the policy of the country will be on that subject even ten years hence; the present status of the railroads looks that way, but so does the traditional control over highways and navigable streams; and paternalism collides with the federal ideals of which the nation is the chief exponent. An oligarchy of commercial associations is impossible, because, though the great corporations and the great labor unions can up to a certain extent unite to control prices and to influence government, they cannot make their interests harmonize with those of the day laborer and the farmer. Associations of all kinds are the creatures of law: if they are small, they antagonize the community; if they are large enough, they become the community. The whole notion of corporate control militates against the ideals of rotation in office, of constitutional restrictions, of association, and against the national dislike of minority governments.

Any new type of government, any serious impairment of democracy, must fight against a system of national, state, and local governments as well established and as capable of protecting themselves as any in the world. There is a national reverence for the Federal Constitution akin to that of earlier generations for the Scriptures. State constitutions and

local charters are more easily altered; but because they are made and can be unmade by the popular will, there is every reason for obeying them. The lack of a professional class of officials makes government weak and expensive, but it prevents the growth of a bureaucracy, which might substitute itself for the democratic system. As everybody is free and most men have the suffrage, people do not push and pull in the effort to get higher up in the scale of political privilege; and the experience of America shows that, notwithstanding a dangerous laxity towards commotions, there is a potential vigor which comes to the rescue whenever state or national government is threatened. Few indeed are the people who have any desire for a sweeping change of government; few are the ideals which crumble before the force of a decaying public opinion. "In Russia," said a Russian, "everything is prohibited, and everything is done"; in the United States, nothing dangerous is done because free speech is not prohibited. When it comes to a decision, Americans are profoundly influenced by two ideals—private interest in orderly government and the conservatism and slowness of change characteristic of Anglo-Saxons. The spirit of the people, their written constitutions, and the temper of mind of their public servants are all against sudden and violent changes.

Hence, the United States is likely not only to endure, but to endure free. The greatest statesmen

and shrewdest observers may mistake the signs of the times, as witness Hamilton's errors.[1] Even Mr. Godkin, whose gloom was always mellowed by the buoyancy of the Irishman, protested against "denying to any democratic society the capacity and determination to remedy its own defects in some direction or other by some means or other."[2] No better summary has been made of the principles and forces which make for permanence than President Eliot's: "Toleration in religion; general education; better domestic relations; attention to the means of public health and pleasure; publicity; corporation service; increased mutual dependence of man on man, and therewith a growing sense of brotherhood and unity; the greater hopefulness and cheerfulness of men's outlook on man, the earth, the universe, and God; and finally the changing objects and methods of religion and its institutions."[3] In like hopeful spirit Lincoln appealed to the underlying confidence and expectation of the republic in the hearts of common men when he said, in 1864: "But this government must be preserved in spite of the acts of any man or set of men. It is worthy of your every effort. Nowhere in the world is presented a government of so much liberty and equality. To the humblest and poorest

[1] Bryce, *Predictions of Hamilton and De Tocqueville* (*Johns Hopkins University Studies*, V., 329–381).

[2] Godkin, *Problems*, 310; cf. Wendell, *Liberty, Union and Democracy*.

[3] Hart, *Contemporaries*, IV., 662, 663.

amongst us are held out the highest privileges and positions." [1]

It is one thing to desire that democratic ideals shall still dominate in America; it is another to see clearly what the influences are which make democracy certain. Perhaps the most obvious is a national ideal of public interest as a guiding force in public life; the willingness to serve in unpaid or slightly paid commissionerships, legislatures, and constitutional conventions; in periods of stress to make personal sacrifices for the public weal; to pay heavy taxes; to serve in the army. While the love of "O Beautiful! my Country!" lasts, the republic seems secure.

For America is imbued with two ideals, which, though they seem to be contrary, are really adjuncts to each other. The first is the high level of commonsense, which shows in the plain and practical spirit of "the average man," which is manifested in the widely diffused belief that it is a bad thing to break the law, in the adherence to old forms and traditions, combined with a willingness to look new ideas in the face. Even where disrespect for laws is manifest, law in the abstract is cherished and obeyed: law is respected, but law is not sacred, in the sense that it cannot be discussed and altered. Americans legislate too much, yet seldom go to extremes. No people has ever shown a greater genius for arriving at

[1] Lincoln, *Works* (Nicolay and Hay ed.), II., 570.

middle ways, for compromises like that over Missouri in 1820, and the Electoral Commission of 1877.

The second characteristic is an imagination with which Americans are too little credited. It accounts for the myths about great Americans, such as the hagiology of the Revolutionary worthies, and especially the stories of Washington's boyhood, such as the legend of Dr. Marcus Whitman, all of which are as well substantiated as the tales of William Tell or of Sindbad the Sailor. American imagination, however, goes far beyond the ascription of impossible virtues to ancestors: it means a national capacity for expecting national greatness, an interest in great events, a desire to share a great destiny. It means that public sentiment is emotional, idealistic, sometimes heroic.

Common-sense and imagination both go to make up that force of public opinion which is perhaps the most helpful national ideal. To no other end exist parties and politics than to influence the great goddess of reason. Public opinion is formed by party chieftains, phrased by the press, imposed by watchful political managers on a weary people. Public opinion normally tends to smooth out the erratic and unconventional views of reformers and objectors; public opinion is a glacier, confined between granite walls, crushing down to powder everything that falls upon it; and woe betide the man or the party that hopes to wall it in! Within its rock walls it is always moving, always pushing, never relenting, and

it will and must in the end have its way. The purpose, the service, of American democracy is to transform this crude and monstrous force into a power which may fitly express itself in human government.[1]

In the republic a sense of common needs and of common methods gives inspiration to that spirit of reform which is one of the most striking American ideals. Conservative as Americans are, influenced by precedent, disgracefully willing to put up with bad conditions, they never recognize anything as hopeless. The enormous vested interest of slavery was broken to pieces by the advancing spirit of democracy; octopus corporations and trusts give way before the same mighty force. There is always in America the healing spirit of self-criticism and self-condemnation. The ideal of American democracy is to make things better.

Neither democracy nor any other form of government takes care of itself or operates of itself. Democratic ideals, like all others, must be put into force through human agencies, and the success of public opinion depends on finding those who may reflect it. Above union and above the development of the fittest stands the ideal most important for democracy, that of finding and following leaders. That democracy can recognize character is shown

[1] For discussions of public opinion, see Bryce, *Am. Commonwealth* (ed. of 1901), II., 250, 325–329, 358–369; Tocqueville, *Democracy in America* (Spencer ed.), I., 261; II., 9, 10.

by the history of the United States. In colonial times no men of genius were pocketed for want of appreciation; the Revolution fashioned a group of popular heroes; and, notwithstanding the infusion of foreign elements, the present American people act as one in their relation to leaders. It is true that since the Civil War men who would formerly have gone into political life as almost the only arena of distinction are now satisfied with the humbler task of making money; but somehow leaders have come forward at every epoch to represent their countrymen. So far from obscuring greatness, it is democracy which gives the greatest opportunity to the otherwise "village Hampdens." In no country has the promising boy or girl such a likelihood of getting the necessary training and finding an adequate field. There is some pith in Josiah Quincy's quip that a friend had gone to England and become a lord, because lords were the natural product of England; and that he remained in America and became a sovereign, because sovereigns were the product of America. Everybody is part of the American nation, and everybody hopes to make his capacities felt.

Americans love an honest man, and that means not only one who does not steal, but the consistent and candid statesman, who can disagree with public opinion if necessary, and whose policy is open, above-board, and free from secret ties. Americans love a man of courage, who has positive opinions and adheres to them; who can resist pressure; and

they would rather have obstinacy than a facile will; they want a man who can stand against influence, abuse, and misrepresentation. Americans love a belligerent leader, because they believe that the forces of evil are belligerent and tenacious. They want a leader of constructive power, who can draught legislation and force it through by the weight of his will, backed up by public sentiment. Such a man, whether selectman, mayor, governor, cabinet officer, or president, calls out the enthusiastic confidence, the vital support, and the personal affection of many of his countrymen.

The American nation is a great organization of human wills, shaped by a multitude of individuals, each transitory, each active in itself, yet still the great shape moves on. Fisher Ames remarked that "a monarchy is a merchantman which sails well, but will sometimes strike on a rock and go to the bottom; whilst a republic is a raft which would never sink, but then your feet are always in the water." [1] It is a raft carrying ninety million souls, and in a blundering and sidelong manner always following a course under the same star. If American history means anything, if three centuries of effort have been manfully and persistently spent upon constructing a form of government that will do its work and yet will not wear out, if the hopes and expectations of a great people avail, *Respublica esto perpetua!*

[1] Hosmer, *Thomas Hutchinson*, introduction, p, xvii.

CHAPTER XX

CRITICAL ESSAY ON AUTHORITIES

INASMUCH as this is the final volume of the series, it is desirable here to note some of the literature relating to the whole field of American history, and, in addition, some of the materials upon the present status of American government as an outcome of history.

GENERAL BIBLIOGRAPHIES

In the bibliographical chapters contained in the previous volumes of this series will be found a series of critical discussions on materials both primary and secondary, analyzed by topics and most of the titles characterized. Another extensive analyzed series, well indexed, is J. N. Larned (editor), *Literature of American History: A Bibliographical Guide* (1902), with critical comments taken from book reviews or signed with the initials of competent writers. No bibliographical work is so rich in rare titles on the period from discovery to about 1815 as Justin Winsor, *Narrative and Critical History of America* (8 vols., 1884–1889). Channing and Hart, *Guide to the Study of American History* (1896), includes not only titles classified according to subject, but a succession of topics with specific references. Somewhat similar in scope are the "Bibliographies" added to *Cambridge Modern History*, VII.—*The United States* (1903). Joseph Sabin, *A Dictionary of Books relating to America from its Discovery to the Present Time* (unfinished, 20 vols., 1868–1892; to be completed by the Carnegie Institution), is a monumental work which aims to print

the title of every book published about America or in America down to 1868, with a copious index. An annual bibliography, *Writings on American History*, was prepared by E. C. Richardson and A. E. Morse for 1902. A somewhat similar volume, under the same title, was issued for the year 1903 under the auspices of the Carnegie Institution. It will be continued after 1906 by other means. The more recent publications are to be found in the *United States Catalog*, 1902–1905, and in the *Cumulative Book Indexes*, issued monthly, both edited by Marion E. Potter. Many of the general histories described below contain lists of authorities, and through the foot-notes open up the literature. Periodical articles may be reached through the various editions and current supplements of William F. Poole, *Poole's Index to Periodical Literature;* and Leonard A. Jones, *An Index to Legal Periodical Literature* (2 vols., 1888–1899). To collected essays and reports the best approach is William I. Fletcher, "*A. L. A.*" *Index: An Index to General Literature* (2d ed., 1901). An analyzed index of American publications is F. Leypoldt, L. E. Jones, and others, *The American Catalogue* (7 vols., 1880–1905). On many questions in American politics and government a useful bibliography is W. DuB. Brookings and R. C. Ringwalt, *Briefs for Debate on Current Political, Economic, and Social Topics* (1896); also revised under the title, Ralph C. Ringwalt, *Briefs on Public Questions with Selected Lists of References* (1905). On governmental questions, see "Select Bibliography of American Government," in Albert Bushnell Hart, *Actual Government as Applied under American Conditions* (rev. ed., 1904), pp. xiii.–xxxiv., and chapter bibliographies; the same author's *Manual of American History, Diplomacy, and Government* (1908), contains many topics with specific references.

GENERAL HISTORIES

Notwithstanding more than a century of historical writing, the *American Nation* appears to be the first comprehensive history of the United States now completed

which covers the whole period. Several general works are in progress. Guy Carleton Lee succeeded by F. N. Thorpe (editors), *The History of North America* (19 vols., 1904–1905), is a co-operative work still incomplete, believed by the publishers to be "the first definitive, authoritative, and inclusive narrative history of North America." Somewhat similar in scope is Elroy McKendree Avery, *A History of the United States and its People* (15 vols., 3 vols. published to 1907), substantially a co-operative work, inasmuch as various scholars, whose names do not appear on the title-page, have been employed to revise or rewrite considerable parts of the volumes. A third work on a large scale is Chancellor and Hewes, *History of the United States* (10 vols., 2 vols. published, 1904–1905), in part political and in part industrial, and illustrated with numerous charts. A fourth work, and of the first importance, is Edward Channing, *History of the United States* (8 vols., 1 vol. published, 1905; another announced for 1908), which is the only attempt by a competent scholar, excepting George Bancroft's, to cover the whole field of American history through first-hand investigation from sources. Woodrow Wilson, *American People* (5 vols., 1902), was originally written as a single volume; it is suggestive and helpfully illustrated. Henry W. Elson, *History of the United States* (5 vols., 1905), is an expansion of a previous single volume.

Three noted writers have treated the seventeenth and eighteenth centuries. George Bancroft, *A History of the United States* (10 vols., 1834–1874), with an additional part published under the title of *History of the Constitution of the United States* (2 vols., 1882), was one of the earliest systematic writers on American history, and spent fifty years of his life in the work; although animated by a desire to find proofs of tyranny and misgovernment justifying the Revolution, the work is keen, valuable, and suggestive. Francis Parkman also spent a lifetime over his *France and England in North America* (11 vols., 1851–1892); no American writer equals Parkman in sympathy with his subject, in mastery of style, and in infusion of the writer's vigorous

character. A third writer of much literary reputation is John Fiske, whose volumes, written on the Parkman plan in several groups, include *The Discovery of America* (2 vols., 1892); *Beginnings of New England* (1889); *The Dutch and Quaker Colonies in America* (2 vols., 1899); *Old Virginia and Her Neighbors* (2 vols., 1897); *The American Revolution* (2 vols., 1891); *Critical Period of American History 1783–1789* (1888). These volumes form a series remarkable for the writer's lucid style and power of impressive general statement. Fiske also wrote three consecutive volumes on the history of the United States, which form a part of John H. Wright (editor), *A History of All Nations* (24 vols., 1905), but are not available outside of the set.

Among briefer histories of the United States the best is Edwin Erle Sparks, *The United States of America* (*Story of the Nations* series, 2 vols., 1904); in about eight hundred small pages the writer reviews the whole history of the country, with especial reference to constitutional and economic development. *The Epochs of American History* (edited by Albert Bushnell Hart), written by Reuben G. Thwaites, the editor, and Woodrow Wilson (1890–1893, and many subsequent editions), is substantially a brief consecutive history.

HISTORIES OF SPECIAL PERIODS

Another group of historians have devoted themselves to distinct and limited periods. Henry Adams, *History of the United States of America* [during the administrations of Jefferson and Madison] (9 vols., 1889–1901), though it covers only the sixteen years, 1801–1817, is one of the most striking pieces of investigation that exists in American historical literature. James Schouler, *History of the United States under the Constitution* (6 vols., rev. ed., 1895–1899), is an excellent narrative history for the period from 1783 to 1865, rude in style, but full of cogent facts and judgments. Hermann Eduard von Holst, *Constitutional and Political History of the United States* (8 vols., translated

by Lalor and Mason, 1876–1892, including an elaborate index volume), was the first trained historian to write on the period of the slavery contest; and his book, which covers in detail the period from 1828 to 1860, is a revelation of the intensity and difficulty of that struggle. John B. McMaster, *History of the People of the United States from the Revolution to the Civil War* (7 vols., 6 vols. published, 1883–1906; vol. VI. reaches 1842), deals not only with social history, but with political and constitutional questions; he refers freely to newspaper and other out-of-the-way material. James Ford Rhodes, *History of the United States from the Compromise of 1850 to the Final Restoration of Home Rule at the South in 1877* (7 vols., 1893–1907, with a good general index), compares with Adams's in the intensive and illuminating study of a limited period, and in style and spirit it is one of the highest American historical productions.

GOVERNMENTAL HISTORIES

Many of the elaborate works described above deal with the development of American governmental ideas. Among special works are George Ticknor Curtis, *Constitutional History of the United States from their Declaration of Independence to the Close of their Civil War* (2 vols., 1889–1896); vol. I. is a reprint of the author's *History of the Constitution* published in 1854–1858; vol. II. is a dissertation, rather than a narrative of the later development. A serviceable single-volume history of a similar kind is Judson S. Landon, *The Constitutional History and Government of the United States* (rev. ed., 1900). Francis N. Thorpe has published three different works with confusingly similar titles—namely, *A History of the American People* (1901); *A Constitutional History of the American People, 1776–1850* (2 vols., 1898); and *The Constitutional History of the United States, 1765–1895* (3 vols., 1901); of which the two-volume set deals especially with the development of state constitutions, but is exasperatingly put together. James A. Woodburn

(editor), *American Political History, 1763–1876, by Alexander Johnston* (2 vols., 1905–1906), is a reprint (with some additions) of the contributions made by Alexander Johnston to J. J. Lalor, *Cyclopædia of Political Science* (3 vols., 1881–1884); though not free from errors of fact, these articles are very illuminating.

SOCIAL AND ECONOMIC HISTORIES

No comprehensive history of the United States from the economic or social stand-point exists. Select bibliographies of monographs and special works in that field may be found in Carroll D. Wright, *Outline of Practical Sociology, with Special Reference to American Conditions* (1899); Davis R. Dewey, *Financial History of the United States* (1903); E. R. A. Seligman, *Principles of Economics, with Special Reference to American Conditions* (1905)—all in the *American Citizen* series. Among the serviceable brief works are Carroll D. Wright, *The Industrial Evolution of the United States* (1895); Frank W. Taussig, *The Tariff History of the United States* (4th ed., 1898); Katherine Coman, *Industrial History of the United States* (1905); Edwin E. Sparks, *The Expansion of the American People* (1900); E. R. A. Seligman, *The Economic Interpretation of History* (1902); Albert S. Bolles, *Financial History of the United States* (3 vols., 2d ed., 1883–1886); William B. Weeden, *Economic and Social History of New England, 1620–1789* (2 vols., 1890); P. A. Bruce, *Economic History of Virginia in the Seventeenth Century* (2 vols., 1896). A co-operative work, with many excellent chapters, is Nathaniel S. Shaler (editor), *The United States of America* (two editions, one 2 vols., 1894; the other, 3 vols., 1894).

DISCUSSIONS OF AMERICAN GOVERNMENT

A list of the principal formal descriptions of American government will be found in Albert Bushnell Hart, *Actual Government* (2d ed., 1904), pp. xvii., xviii. Easily first of the whole is James Bryce, *The American Commonwealth*

(2 vols., 1st ed. 1888; 2d ed. rev. 1889; 3d ed. rev. and enl. 1893–1895; another ed. announced); also *The American Commonwealth, Abridged* (1896; rev. ed. 1906); no comment is necessary on this famous contribution of a remarkable political philosopher to our knowledge of ourselves. Earlier in his opportunity to affect American public sentiment was Alexis C. H. de Tocqueville, *Democracy in America* (*De la Démocratie en Amérique*) (2 vols., Paris, 1835–1840; various English translations by Reeve and by Bowen; the American edition of 1838–1840 has an introduction by John C. Spencer); Tocqueville abounds in brilliant generalizations, many of which have been justified by time. Hugo Münsterberg has written two books on America: *Die Amerikaner*, also in translation by Holt as *The Americans* (both eds., 1904), written for Germans, which is in style and point of view a more genial Tocqueville; *American Traits* (1901), is less elaborate and written for the American public. Two suggestive books in lighter vein are H. G. Wells, *The Future in America* (1906), and James F. Muirhead, *America the Land of Contrasts* (1898), the most readable and appreciative of all books by foreigners upon America. Lists of foreign travellers may be found in the bibliographical chapters throughout the *American Nation;* in Channing and Hart, *Guide* (1896), § 24; and in Hart, *Slavery and Abolition* (1906), 329–332. Several foreigners have also devoted themselves to the general problem of democratic government, particularly Sir Henry Sumner Maine, *Popular Government, Four Essays* (Am. ed., 1886), an astonishingly wrong-headed and ill-informed view of the origin of American democracy as illustrated by the United States; and William E. H. Lecky, *Democracy and Liberty* (new ed., 2 vols., 1899), a discussion of democracy in all its modern forms, with some special and, on the whole, unfavorable chapters on American conditions.

American discussions of the same topics may be found in Charles William Eliot, *American Contributions to Civilization* (1897), a lofty and hopeful view of the prospects of America. Among the collections of essays on the same sub-

ject are Simeon E. Baldwin, *Modern Political Institutions* (1898), a series of discussions of various questions; William H. Taft, *Four Aspects of Civic Duty* (1906), a reprint of four addresses on various phases of private and public life; James Russell Lowell, *Democracy and Other Addresses* (1887), a brief and cogent defence of democracy; Theodore Roosevelt, *American Ideals and Other Essays* (1897), containing chapters from the author's experience and some essays on national characteristics; Barrett Wendell, *Liberty, Union, and Democracy* (1906), a fresh, individual, and not altogether hopeful view; Henry Cabot Lodge, *Historical and Political Essays* (1892); Albert Bushnell Hart, *Practical Essays on American Government* (1893); Franklin H. Giddings, *Democracy and Empire* (1900), a thoughtful and suggestive book, with many historical illustrations; Edwin L. Godkin, *Problems of Modern Democracy; Political and Economic Essays* (1896), a reprint of some of Mr. Godkin's rather pessimistic but exceedingly suggestive articles; Frank P. Stearns, *True Republicanism; or, The Real and Ideal in Politics* (1904), a study of the historical conditions of the republic.

Especially devoted to the whole system of American government, national, state, and municipal, and its activities, are the following text-books for colleges and upper high-schools: Roscoe Lewis Ashley, *The American Federal State* (1902), includes a sketch of pre-revolutionary government and source references, clearly arranged; B. A. Hinsdale, *The American Government, National and State* (rev. ed., 1895), includes many good historical illustrations; Albert Bushnell Hart, *Actual Government as Applied under American Conditions* (rev. ed., 1904), makes a point of contrasting practice with the legal government.

Several series are directed to American general questions, of which the most successful is W. W. Willoughby (editor), *The American State* series (8 vols., 7 vols. published). Besides those mentioned elsewhere, it includes S. E. Baldwin, *The American Judiciary* (1905); F. J. Goodnow, *City Government in the United States* (1904); Paul S. Reinsch, *Ameri-*

can Legislatures and Legislative Methods (1907); J. H. Finley, *The American Executive and Executive Methods* (1907).

CONSTITUTIONAL TREATISES

The formal works on constitutional law nearly all deal with strictly constitutional questions, taking little into account the underlying political and social forces. Perhaps the most serviceable brief treatise is Emlin McClain, *Constitutional Law in the United States* (*American Citizen* series, 1905); in brief bibliographies at the chapter heads he refers to specific materials and to cases. The book is preceded by a select bibliography of constitutional law, pp. xxix.–xxxviii., in which the best treatises are mentioned and evaluated. Another list of the treatises, which includes some of the older and less known books, is in Albert Bushnell Hart, *Introduction to the Study of Federal Government* (1891), § 469.

THE LAND AND TERRITORIAL DEVELOPMENT

Upon the physical characteristics of the United States there is no better brief discussion than L. Farrand, *Basis of American History* (*Am. Nation*, II.), chaps. i.–iv.; cf. Nathaniel S. Shaler, *Nature and Man in America* (1891), a graceful and readable book; also Shaler in his *United States of America* (1894), I., chaps. i.–iii., vii. Two good books on physical conditions, J. D. Whitney, *The United States* (1889), and Jacob H. Patton, *Natural Resources of the United States* (1888), are both rather out of date. Excellent books on physical geography and progress of settlement are Albert P. Brigham, *Geographic Influences in American History* (1903), and Ellen C. Semple, *American History and its Geographic Conditions* (1903). On later phases of territorial development, see Henry Gannett, *Boundaries of the United States and of the Several States* (United States Geological Survey, *Bulletins*, No. 171, 1900); B. A. Hinsdale, "Bounding the Original United States" (*Magazine of Western History*, II., 401–423, 1885);

W. F. Wilcox, *Report on Boundaries* (Twelfth Census, *Bulletins*, No. 74, 1901). Briefer works on territorial development are a little book by Edward Bicknell, *The Territorial Acquisitions of the United States* (1899), and Albert Bushnell Hart, *Foundations of American Foreign Policy* (1901), which deals with various problems of annexation.

The only thing approaching an historical atlas of the United States is the series of maps in *The American Nation;* some of the other co-operative histories and comprehensive works also have historical maps of varying degrees of excellence. Townsend MacCoun, *Historical Geography of the United States* (1888), is not made from sources. Albert Bushnell Hart, *Epoch Maps Illustrating American History* (1891 and several later editions), is a brief consecutive series of historical maps.

MOVEMENT OF POPULATION

Upon the general subject of immigration and emigration, see Carroll D. Wright, *Practical Sociology* (1899), chap. vii. and references. John R. Commons, *Races and Immigrants in America* (1907), a carefully studied discussion of the whole problem, with a valuable bibliography at pp. vi.–xii. The standard work on the subject is Richmond Mayo-Smith, *Emigration and Immigration* (1890). Prescott F. Hall, *Immigration and its Effects upon the United States* (1906), is an argument for limitation. The best periodicals are analyzed in R. C. Ringwalt, *Briefs on Public Questions* (1905), No. 5. The principal sources on the distribution of population are the leaflets and other publications of the Immigration Restriction League; the publications of the United States Census, which down through 1880 are made available by Edward C. Lunt, *Key to the Publications of the United States Census* (1888); especially, Commissioner of Immigration, *Annual Reports*, the later issues of which are remarkably convenient. A government commission to study the whole question and report upon it was appointed in 1907.

THE NEGRO

Upon the negro there is a large literature, part of which is digested in two bibliographies by A. P. C. Griffin, *Select List of References on the Negro Question* (Library of Congress, 2d ed., 1906); *List of Discussions of the Fourteenth and Fifteenth Amendments, with Special Reference to Negro Suffrage* (Library of Congress, 1906); and in W. E. B. Du Bois (editor), *A Select Bibliography of the American Negro* (rev. ed., 1905). In W. E. Fleming, *Reconstruction of the Seceded States* (1905), syllabus, pp. 156–163, is a list of authorities on the southern question in general. See the "Critical Essays" in Hart, *Slavery and Abolition;* Chadwick, *Causes of the Civil War;* Dunning, *Reconstruction* (*Am. Nation*, XVI., XIX., XXII.). Among the most suggestive special books and monographs are W. E. B. Du Bois, *Souls of Black Folk* (1903); Thomas Nelson Page, *The Negro: the Southerner's Problem* (1904); Jeffrey R. Brackett, *Notes on the Progress of the Colored People of Maryland since the War* (*Johns Hopkins University Studies*, VIII., Nos. 7–9); William Garrott Brown, *The Lower South in American History* (1902); W. B. Smith, *The Color Line* (1905); Edgar G. Murphy, *Problems of the Present South* (1904).

THE INDIAN

Upon the Indian question there is little that is satisfactory. Francis A. Walker, *The Indian Question* (1874), is rather out of date, as is G. W. Manypenny, *Our Indian Wards* (1880). Lucy E. Textor has published a monograph on *Official Relations between the United States and the Sioux Indians* (Leland Stanford Junior University, *Monographs in History and Economics*, No. 2, 1896). Seth K. Humphrey, *The Indian Dispossessed* (1905), is devoted almost wholly to very recent phases of the question. Among the valuable sources are J. B. Harrison, *Latest Studies on Indian Reservations* (1887); the various publications of the Indians' Rights Association since 1883; Lake Mohonk Conference,

Annual Reports (since 1883); Commission to the Five Civilized Tribes [Dawes Commission], *Reports* (1895–1905); and especially Commissioner of Indian Affairs, *Annual Reports*. Very valuable is Charles J. Kappler (editor), *Indian Affairs, Laws and Treaties, 1778–1902* (2 vols., *Senate Documents*, 57 Cong., 1 Sess., No. 452, 1903). See the "Critical Essay" in E. E. Sparks, *National Development* (*Am. Nation*, XXIII.)

DEPENDENCIES

Bibliographies of this subject, including the discussions of imperialism, are to be found in Hart, *Actual Government* (1904), § 160; and, much more extended, A. P. C. Griffin, *List of Books relating to the Theory of Colonization, Government of Dependencies, Protectorates, and Related Topics* (Library of Congress, 2d ed., 1900). William F. Willoughby, *Territories and Dependencies of the United States* (*American State* series, 1905), by an administrator of Porto Rico, is the latest and best treatise, though disproportionate on that colony and the Philippines. David Yancy Thomas, *A History of Military Government in Newly Acquired Territory of the United States* (1904), applies only to the period previous to the Civil War. Alpheus H. Snow, *The Administration of Dependencies* (1902), is uncritical and not always accurate. Max Farrand, *Legislation for the Government of Organized Territories* (1896), is a brief compendium of the organizing legislation. Upon the Philippines, the most important sources are Philippine Commission [Schurman], *Report* (1900); Philippine Commission [Taft], *Annual Reports* (1901–1903); Philippine Commission, *Annual Reports* (since 1903); and the Secretary of War, *Annual Reports* (since 1898).

DEMOCRATIC PRINCIPLES AND POPULAR GOVERNMENT

Upon the principles of American democracy there is a literature, some of which may be reached through Albert Bushnell Hart, *Actual Government* (1904), § 7. Most of the formal discussions of American government, such as Bryce, contain chapters on this subject. A few of the most ser-

viceable discussions are: C. Edward Merriam, *A History of American Political Theories* (1903), the best brief account of the historical development of American ideals of government; W. W. Willoughby, *An Examination of the Nature of the State* (1896), chiefly on sovereignty; F. A. Cleveland, *Growth of Democracy in the United States* (1898), chap. viii., abounding in historical instances; J. K. Hosmer, *Short History of Anglo-Saxon Freedom* (1890), a good outline of English and American principles; Francis Lieber, *On Civil Liberty and Self-Government* (3d ed., 1874), earliest attempt at an American theory of democracy. An interesting little book on the origin of the rights of man, with a brief bibliography, is George L. Scherger, *The Evolution of Modern Liberty* (1904); a briefer discussion of the same kind is Georg Jellinek, *The Declaration of the Rights of Man and of Citizens* (Farrand's transl., 1901).

Sources are much scattered. James A. Woodburn has re-edited *American Orations*, first edited by Alexander Johnston (4 vols., 1896–1897), a convenient collection of significant speeches; Mabel Hill, *Liberty Documents, with Contemporary Exposition and Critical Comments drawn from Various Writers* (1901), is a very convenient collection of prime materials for the history of American democracy; William MacDonald's three volumes, *Select Charters* (1899), *Select Documents* (1898), *Select Statutes* (1903), in succession include many of the charters and other statements of personal liberty. Sydney George Fisher, *The Evolution of the Constitution of the United States* (1897), is a successful attempt to show how the state and Federal constitutions grew out of colonial charters. Albert Bushnell Hart and Edward Channing, *American History Leaflets* (35 Nos. published to 1906), are reprints of some significant documents. Albert Bushnell Hart, *Contemporaries* (4 vols., 1897–1901), contain many illustrative extracts.

LOCAL GOVERNMENT

On local, including municipal government, the principal titles may be reached through Albert Bushnell Hart, *Actual*

Government (1904), §§ 79, 86, 95; for rural government, the best book is John A. Fairlie, *Local Government in Counties, Towns, and Villages* (*American State* series, 1906). George E. Howard, *Introduction to the Local Constitutional History of the United States* (only one volume published, 1889), is very full and accurate up to its date. On the historical growth of city government, the most usable book is John A. Fairlie, *Municipal Administration* (1901). On the organization of municipal government and its difficulties, the three books of Frank J. Goodnow, *Municipal Problems* (1897), *Municipal Home Rule* (1895), and *Principles of the Administrative Law of the United States* (1905), are clearest, though dealing less with practice than with principles ascertained in legal decisions. There are several monographs in the *Johns Hopkins University Studies*. The most important source is the reports of the Conferences for Good City Government held annually by the National Municipal League; and, of course, the reports of the various city officials.

Farm and out-door life is best described in several sociological studies, such as W. D. Howells, *A Boy's Town* (1890); Octave Thanet, *Stories of a Western Town* (1893); Andy Adams, *Reed Anthony, Cowman* (1907).

FEDERAL GOVERNMENT

All the constitutional treatises and most of the discussions of American government deal with the federal government; and the writers who cover the period 1776–1789 all discuss its origin. See McLaughlin, *Confederation and Constitution* (*Am. Nation*, X.), chap. xix., for bibliography. Albert Bushnell Hart, *An Introduction to the Study of Federal Government* (*Harvard Historical Monographs*, No. 2, 1891), contains a bibliography of the American federation, at § 469. An admirable brief discussion is W. W. Willoughby, *The American Constitutional System* (*American State* series, 1904); James A. Woodburn, *The American Republic and its Government* (1904), deals principally with the form of

the federation; Elijah Mulford, *The Nation* (1871), is a philosophical study of the national ideal as opposed to that of the states. A serviceable book is George S. Boutwell, *The Constitution of the United States at the End of the First Century* (1895). For the discussions of the nature of federal government at the time of the Civil War, see Chadwick, *Causes of the Civil War*, 344, and Hosmer, *Appeal to Arms*, 325 (*Am. Nation*, XIX., XX.): the most significant are Alexander H. Stephens, *A Constitutional View of the Late War between the States* (2 vols., 1868–1870); J. L. M. Curry, *The Southern States Considered in their Relations to the Constitution of the United States and to the Resulting Union* (1894); P. C. Centz (pseudonym for Bernard J. Sage), *The Republic of Republics* (1871 and later editions).

POLITICAL ORGANIZATION

On parties and political machines specific references may be found in Albert Bushnell Hart, *Actual Government* (1904), § 42, and in the references at the end of the chapters in J. A. Woodburn, *Political Parties* (1903). Besides the treatises and discussions enumerated above, some special books may be mentioned: Frank A. Cleveland, *Growth of Democracy in the United States* (1898), abounds in references to specific instances and constitutions; Jesse Macy, *Party Organization and Machinery* (*American State* series, 1904), an account of actual working of parties, and not to be confused with the same writer's *Political Parties in the United States, 1846–1861* (Citizen's Library, 1900); James A. Woodburn, *Political Parties and Party Problems in the United States* (1903), is an account of the successive parties, followed by a discussion of the party system; H. J. Ford, *Rise and Growth of American Politics* (1898), sketchy but suggestive; F. J. Goodnow, *Politics and Administration* (1900), learned and keen. The most elaborate discussion of American parties is Moisei Ostrogorski, *Democracy and the Organization of Political Parties* (2 vols., 1902), of which the second volume is devoted to an exhaustive and philosophical ana-

lysis of the American party system. On the worst excesses of parties, see Bryce, *American Commonwealth*, 1st ed., chaps. liii.–lxviii.; and Gustavus Myers, *Tammany Hall* (1901).

AMERICAN SOCIAL LIFE

Classified bibliographies of various phases of American social life may be found in the preliminary suggestions and chapter bibliographies of Carroll D. Wright, *Practical Sociology* (*American Citizen* series, 1899). See also Franklin H. Giddings, *Elements of Sociology* (1898); Lester Frank Ward, *Dynamic Sociology* (2 vols., 2d ed., 1897). For special topics, see Charles F. Thwing, *The Family* (1897); Washington Gladden, *Social Facts and Forces* (1897). Many extracts from sources in Albert Bushnell Hart, *American History Told by Contemporaries* (4 vols., 1897–1901), and *Source Book of American History* (1899).

On education, Charles W. Eliot, *Educational Reform* (1898); Paul H. Hanus, *Educational Aims* (1899); Albert Bushnell Hart, *Studies in American Education* (1895); Jeremiah W. Jenks, *Citizenship and the Schools* (1906); Arthur T. Hadley, *Education of the American Citizen* (1901). The two most important sources are National Educational Association, *Journal of Proceedings and Addresses* (since 1870), particularly the reports of special committees on various general subjects; and Commissioner of Education, *Annual Reports*, which are storehouses of statistical information and of discussion.

The only general work on the American Church is Philip Schaff, *Church and State* (American Historical Association, *Papers*, II., 1888). There are also some monographs in the *Johns Hopkins University Studies*. For other references, see Hart, *Actual Government* (1894), § 239. There are special histories of most of the denominations, and the statistics appear in their Year-Books and in the publications of the United States Census, especially Eleventh Census (1890), *Report on Statistics of Churches* (1894).

Out of several accounts of American literature, the best

and fullest is Barrett Wendell, *A Literary History of America* (1900); also Wendell and Greenough, *A History of Literature in America* (1904). See also the numerous biographies of literary men.

BUSINESS ORGANIZATION

Besides the immense literature on corporations, trusts, and monopolies, some of which can be conveniently reached through R. C. Ringwalt, *Briefs on Public Questions* (1905), there is an excellent book by Thorstein Veblen, *Theory of Business Enterprise* (1904), which shrewdly states the relation of the man of affairs to government.

PERSONALITY IN GOVERNMENT

Besides the great literature of American biography, a part of which is listed in Channing and Hart, *Guide to the Study of American History* (1896), § 25, there are several series which bring out the relation of public men to national life. Such are *American Statesmen* (edited by John T. Morse), reissued in thirty-two volumes (1898–1900), and additional volumes now coming out. *The American Jurists* (edited by Harry A. Cushing, 1907) is to include most of the famous judges and publicists. *American Men of Letters* deals with literary biography. The *Beacon Biographies* (edited by M. A. DeWolfe Howe) and the *Riverside Biographies* contain some capital brief characterizations of public men. There are also special series of military and naval biography, especially J. G. Wilson, *Great Commanders* series (1892–1903).

PUBLIC FINANCE

This is a vast subject, upon which the best body of analyzed reference is in Davis R. Dewey, *Financial History of the United States* (1903), "Suggestions for Students" and chapter bibliographies; see also Albert Bushnell Hart, *Actual Government* (1904), §§ 171, 180; Henry C. Adams,

The Science of Finance (1898); Henry C. Adams, *Public Debts* (1887); Frederick A. Cleveland, *The Bank and the Treasury* (1905); Frederick C. Howe, *Taxation and Taxes in the United States under the Internal Revenue System, 1791–1895* (1896); William A. Scott, *The Repudiation of State Debts* (1893). F. W. Taussig, *Tariff History of the United States* (4th ed., 1898), and Edward Stanwood, *American Tariff Controversies in the Nineteenth Century* (2 vols., 1903), are the standard books on the tariff.

TRANSPORTATION

This important subject is best approached through R. C. Ringwalt, *Briefs on Public Questions* (1906), Nos. 15, 19–21, and two bibliographies by A. P. C. Griffin, published by the Library of Congress, *List of Books on Mercantile Marine Subsidies* (2d ed., 1903); *List of Books Relating to Railroads* (1904); see also Hart, *Actual Government* (1904), § 218, and Hart, *Practical Essays on American Government*, No. 9. Among the best single books are E. R. Johnson, *American Railway Transportation* (1903); B. H. Meyer, *Railway Legislation in the United States* (Citizen's Library, 1903); Henry S. Haines, *Restricted Railway Legislation* (1905). The most important source is Industrial Commission [of 1898], *Report* (19 vols., including index, 1900–1902); Interstate Commerce Commission, *Reports* (since 1888); and the *Annual Reports* of the various state commissions.

FOREIGN RELATIONS

For bibliography of this subject, see John B. Moore, *A Digest of International Law* (8 vols., 1906), I., pp. ix.–xxx., and VIII. A briefer classified bibliography is in Albert Bushnell Hart, *Foundations of American Foreign Policy* (1901), No. 8. See also R. C. Ringwalt, *Briefs on Public Questions* (1905), Nos. 10 and 11; Channing and Hart, *Guide to the Study of American History* (1896), §§ 144–214 passim. The best brief diplomatic histories are John W. Foster, *A*

Century of American Diplomacy, 1776–1876 (1900); John Bassett Moore, *American Diplomacy* (1905).

An excellent book on recent questions is John B. Henderson, Jr., *American Diplomatic Questions* (1901). On South American affairs, John H. Latané, *The Diplomatic Relations of the United States and Spanish America* (1900). Throughout the *American Nation* series will be found chapters on international relation, which, taken together, would make something near a consecutive account. Justin Winsor, *Narrative and Critical History* (8 vols., 1884–1889), has good discussion, with foot-notes from 1776 to 1850, in vol. VII., chaps. i., ii., vii. The great reservoirs of material are John Bassett Moore, *A Digest of International Law* (8 vols., 1906); John Bassett Moore, *History and Digest of the International Arbitrations to which the United States has been a Party* (6 vols., 1898); and the official correspondence, the early part of which is published in several series, from 1861 to 1868 as *Diplomatic Correspondence*, and since 1870 as *Foreign Relations*.

THE MILITARY

Of histories of the army and navy of the United States, there are Edgar S. Maclay, *History of the United States Navy* (3 vols., 1901); John D. Long, *The New American Navy* (1903); John R. Spears, *History of Our Navy* (4 vols., 1897); William Walton, *Army and Navy of the United States* (2 vols., 1889–1895). Brief bibliography may be found in Hart, *Actual Government* (1904), §§ 199, 244. The standard treatise on the use of force is Frederick T. Wilson, *Federal Aid in Domestic Disturbances, 1787–1903* (*Senate Documents*, 57 Cong., 2 Sess, No. 209, 1903).

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